

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

PRELIMINARY ORDER OF DETERMINATION

IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN
AND TO THE WATERS OF COLD SPRING VALLEY, HYDROGRAPHIC
BASIN NO. 07-100, WASHOE COUNTY, NEVADA.

Tim Wilson, P.E.

TIM WILSON, P.E.
Acting State Engineer

Dated this 27th day
of February, 2019.



CERTIFICATION OF STATE ENGINEER

* * * * *

I, Tim Wilson, P.E., Acting State Engineer of the State of Nevada, duly appointed and qualified, having charge of the records and files of the Office of the State Engineer, do hereby certify that the following is a full, complete and true copy of the Preliminary Order of Determination of the relative rights in and to the waters of Cold Spring Valley, Hydrographic Basin No. 07-100, Washoe County, Nevada. This Preliminary Order of Determination was prepared and filed in the Office of the State Engineer on the 27th day of February, 2019.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my seal of office at Carson City, Nevada, this 27th day of February, 2019.

Tim Wilson, P.E.

TIM WILSON, P.E.

Acting State Engineer

ADJUDICATION

COLD SPRING VALLEY

WASHOE COUNTY, NEVADA

Presented herewith is the Preliminary Order of Determination defining the rights in and to the waters of Cold Spring Valley, Hydrographic Basin No. 07-100, Washoe County, Nevada. This Preliminary Order is prepared under the provisions of Chapter 533 of the Nevada Revised Statutes.

Tim Wilson, P.E.

Tim Wilson, P.E.

Acting State Engineer

Made, filed and caused to be entered of
record in the Office of the State Engineer
this 27th day of February, 2019.

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I. GENERAL

On March 27, 1985, Virginia Richards petitioned the State Engineer to determine the relative rights to the waters of Cold Springs, for the determination of the relative rights of claimants on this source, located in the Cold Spring Valley of Washoe County, Nevada.

On August 31, 1989, Ross E. de Lipkau, on behalf of the R. Ruth Foundation, petitioned the State Engineer to commence the statutory adjudication proceedings of this same Cold Springs.

On September 29, 1989, by virtue of the authority granted him, in Nevada Revised Statute (NRS) § 533.090, the State Engineer issued Order 1003, the *Order Granting Petition*, setting into motion the matter of the determination of relative rights in and to the waters of Cold Springs, in the Cold Spring Valley (Hydrographic Basin 07-100), Washoe County, Nevada. A copy of the *Order* was served by certified mail on September 29, 1989, to persons identified as potential claimants. The *Notice* was published in the *Reno Gazette-Journal* located in Reno, Nevada pursuant to NRS § 533.095.

On September 29, 1989, the State Engineer issued Order 1004, the *Notice of Order and Proceedings to Determine Water Rights*, in the matter of the determination of relative rights in and to the waters of Cold Springs, in the Cold Spring Valley (Hydrographic Basin 07-100), Washoe County, Nevada. The *Notice* set forth the requirement that all those making claims to these waters were required to make proof of their claims that would be determined at a later date. A copy of the *Notice of Order* was served by certified mail on September 29, 1989, to persons identified as potential claimants. The *Notice* was published in the *Reno Gazette-Journal* located in Reno, Nevada pursuant to NRS § 533.095.

On May 4, 1994, the State Engineer issued Order 1099, the *Notice of Order for Taking Proofs to Determine Water Rights*, in the matter of the determination of relative rights in and to the waters of Cold Springs, in the Cold Spring Valley (Hydrographic Basin 07-100), Washoe County, Nevada. This *Notice* set forth the requirement that all those making claims to these waters were required to make proof of their claims on or before May 26, 1995. A copy of the *Notice of Order*

was served by certified mail on May 4, 1994, to persons identified as potential claimants. The *Notice* was published in the Reno Gazette-Journal located in Reno, Nevada pursuant to NRS § 533.110.

On March 19, 1998, and on March 30, 1998, the State Engineer sent a letter to all persons identified as potential claimants inquiring if they were interested in continuing the adjudication as the petitioners had conveyed their interest in the subject waters to the same party. Parties were given thirty days to respond if they wished to continue. A copy of this letter was served by certified mail on March 19, 1998, and March 30, 1998, to persons identified as potential claimants.

On May 18, 1998, the State Engineer issued Order 1144, the *Notice of Order to Vacate Proceedings to Determine Water Rights*, in the matter of the determination of relative rights in and to the waters of Cold Springs, in the Cold Spring Valley (Hydrographic Basin 07-100), Washoe County, Nevada. The *Notice* stated that the conflicting water rights had been acquired by the same entity; therefore, resolving any conflict in the ownership of the subject waters. A copy of the *Notice of Order* was served by certified mail on May 18, 1998, to persons identified as potential claimants.

On February 3, 2016, Donald A. Pattalock, on behalf of Heinz Ranch Land Company, LLC, filed a petition with the State Engineer to determine the relative rights to all the waters of the Cold Spring Valley, Hydrographic Basin 07-100, located in Washoe County, Nevada.

On June 1, 2016, the State Engineer issued Order 1277, the *Order Granting Petition*, setting into motion the matter of the determination of relative rights in and to all the waters of Cold Spring Valley (Hydrographic Basin 07-100), Washoe County, Nevada. A copy of the *Notice of Order* was served by certified mail on June 1, 2016, to persons identified as potential claimants. The *Notice* was published in the Reno Gazette-Journal located in Reno, Nevada pursuant to NRS § 533.095.

On August 1, 2016, the State Engineer issued Order 1278, the *Notice of Order for Taking Proofs to Determine Water Rights*, in the matter of the determination of relative rights in and to all

the waters of the Cold Spring Valley (Hydrographic Basin 07-100), Washoe County, Nevada. The *Notice* set forth the requirement that all those making claims to these waters were required to make proof of their claims on or before August 1, 2017. A copy of the *Notice of Order* was served by certified mail on August 1, 2016, to persons identified as potential claimants. The *Notice* was published in the Reno Gazette-Journal located in Reno, Nevada pursuant to NRS § 533.110.

Pursuant to NRS § 533.140, the Acting State Engineer affixed his signature to the Abstract of Claims on _____, 2019 and hereby issues this Preliminary Order of Determination.

II. WATER SOURCES AND FLOWS

The sources of water that are the subject of this adjudication are located within Washoe County, Nevada, and consist of groundwater and all streams and springs within the Cold Spring Valley Hydrographic Area (07-100). This hydrographic area corresponds to the description of the Cold Spring Valley Ground Water Basin described in State Engineer's Order 606.¹ This Preliminary Order of Determination will refer to the area as the Cold Spring Valley Hydrographic Area in this proceeding.

Cold Spring Valley is an inter-mountain valley approximately 13 miles north of Reno in western Nevada (Figure 1). The basin is roughly elongate in shape, oriented in a generally north-south direction. It is approximately twelve miles long and averages three miles wide. The total area of the hydrographic basin is approximately 30 square miles.

The basin is bounded on the east by the Granite Hills and on the west by the California state line and Petersen Mountain. The southern boundary is formed by Peavine Mountain.

The lowest part of the valley is White Lake (a playa) in the central part of the valley at an elevation of about 5,035 feet (1,535 meters). Southward from the playa, the valley floor rises at a gradient of about ten feet per mile. The highest point in the valley is along the ridgeline of Petersen

¹ State Engineer's Order 606, dated January 18, 1977, official records in the Office of the State Engineer.

Mountain at 'Cold' summit, at the northwest end of the basin with an elevation of 7,805 feet (2,379.1 meters).²

Present day streams are predominantly intermittent and principally confined to a few of the canyons in the mountains, with discharge onto the alluvial fans and valley floors only occurring during the spring freshet or during storm flash-flood events. Significantly, no streams are identified by name in the basin on published USGS 7.5-minute topographic maps.

Groundwater in Cold Spring Valley originates from precipitation recharge from the surrounding mountains. Regional flow gradients indicate the potential for subsurface inflow from adjacent basins to the west. Groundwater discharge in Cold Spring Valley occurs by phreatophyte transpiration, pumpage from domestic and permitted wells, and evaporation from bare soil.

The main area with substantial irrigation occurs along the south side of the valley at the Heinz Ranch, which is owned by Heinz Holdco, LLC. The majority of the streams and springs in this area support stockwatering.

Flow measurements of springs and streams recorded during field investigations by staff of the Nevada Division of Water Resources (NDWR) along with historical reported flow data are summarized in Appendix D and are publicly available on the NDWR public website.³ Field investigation reports are on record within the Cold Spring Valley Adjudication file located at the NDWR.

² Cold, Nevada, PID: KR1856, NGS Datasheet, National Oceanic and Atmospheric Administration, Retrieved October 12, 2017.

³ Nevada Division of Water Resources' Spring and Stream Flow Database, official records in the Office of the State Engineer, available at <http://water.nv.gov/SpringAndStreamFlow.aspx>.



Figure 1. Location map of the Cold Spring Valley Hydrographic Basin (07-100).

III. DETERMINATION OF RIGHTS TO THE USE OF WATER

Claims to pre-statutory vested water rights on sources of water were established by filing proofs of appropriation in the NDWR and submitting evidence to support the claimed date of priority, manner of use, place of use (POU) and the amount of water actually diverted and applied to beneficial use. Evidence is reviewed in conjunction with records such as, but not limited to permits, applications, proofs, maps, reports of conveyance and field investigations conducted by the NDWR. Other data available in the public domain such as property records (Government Land Office (GLO) maps/plats/survey notes, land patents, etc.), census data, recent and historical aerial photography and insurance maps to determine the limit and extent of vested water rights claimed in this proceeding are also utilized.

Priority date is established as the year in which a water source was initially diverted and beneficially used. For surface water pre-statutory claims, water must have been diverted and beneficially used prior to March 1, 1905.⁴ For pre-statutory claims to artesian underground sources, prior to March 22, 1913, and prior to March 25, 1939, for percolating underground sources.⁵

The doctrine of relation back may be applicable if the claimant can demonstrate the date at which the diversion of water was commenced and that such work or construction progressed with due and reasonable diligence to completion and beneficial use established.

As discussed below, the Acting State Engineer describes the reasoning used to determine duty for the use of water for stockwatering. The limit and extent of water rights issued for all manners of use is limited to the quantity of water reasonably necessary for such use, without waste.⁶ The period of use for all manners of use is January 1 to December 31, unless otherwise specified.

A. Irrigation

Duty for irrigation purposes is determined by the class of culture type, identified as harvest, meadow and diversified pasture, further defined as follows:

Harvest crop areas include all lands devoted to cultivated crops, such as grains, truck farm crops (produce) and orchards, but not limited to them. Also all irrigated native or other grass lands, which normally receive sufficient water through a defined irrigation system (ditch and/or sprinkler systems) to produce a

⁴ 1905 Nev. Stat. ch. 46.

⁵ NRS § 534.080(1).

⁶ NRS § 533.035.

crop that will justify utilizing either manual or mechanical methods for cutting hay, although sometimes it may be pastured and not cut.

Meadow/Pasture crop areas are in production with crops of native and/or domesticated grasses with minimal invasion by weeds and brush and may be classified as good pasture but not of sufficient quality or quantity to be cut. Lands are irrigated as long as water is available through a defined irrigation system (ditch and/or sprinkler systems). Volumes of water utilized for irrigation are less than the amount necessary for Harvest. Distinction from Harvest is that lands in production are precluded from harvesting due to access, topography and/or rocky field conditions preventing the use of manual or mechanical harvesting methods.

Diversified Pasture areas include all grass lands from which brush has not been cleared but which are artificially irrigated by the farmer/rancher to some extent for the production of grasses for pasture. These lands are usually watered only when the stream is in flood stage or when there is excess water above the needs of higher-class culture. In addition, this classification includes those areas in the irrigated fields, which are grown up with willows, and the depression or other areas covered with tule reeds, horsetail rushes and flags (wild iris), if there is grass amongst them. While these latter areas generally receive as much or more water than is required for the higher class of culture, the excess water cannot be considered as being used beneficially, hence the right to divert it should not be recognized.

Water considered drain, waste or tail water is defined to be such water that has escaped from the irrigation infrastructure or those waters which have passed from the developed irrigation infrastructure or beneficial use area and is allowed to flow uncontrolled across adjacent ground.

In the Cold Spring Valley area, the Net Irrigation Water Requirement (NIWR) for alfalfa and highly managed pasture grass is 3.1 acre-feet per acre and 2.5 acre-feet per acre for low managed pasture grass.⁷ The NIWR accounts for the consumptive use of water by transpiration of the crop and evaporation from the irrigated soil surface. It does not account for water that is lost in transport (ditch loss) from the point of diversion to the irrigation field, which returns to the aquifer and is not consumptively used. The Acting State Engineer finds that the duty of water required to be diverted from the source to grow a full season of Harvest crop (such as alfalfa or

⁷ *Evapotranspiration and Net Irrigation Water Requirements for Nevada*, Huntington and Allen, 2010, State of Nevada, Division of Water Resources Publication, p. 258.

grass hay) would be 3.5 acre-feet per acre, 3.0 acre-feet per acre for Meadow/Pasture crop and 0.75 acre-feet per acre for Diversified Pasture. These values are determined by adding 10% transportation loss to the consumptive use or NIWR. Sources of water that are commingled for irrigation at the same POU are limited to a total combined duty dependent on the crop type. Duty is described as acre-feet per annum (afa) if the period of use is year-round, or acre-feet per season (afs) if the period of use is less than 365 days per calendar year. Based on the historic record, the Acting State Engineer determines that the growing season in Cold Spring Valley is March 1 through October 15 of each year (229 days) unless otherwise noted.⁸

The amount of water herein granted in this adjudication represents the historical use prior to the statutory water law from the water sources. The Acting State Engineer recognizes that full utilization of the diversion rate and delivery of the associated duty is ultimately limited by water availability at the source, and in many years, water at the source is not sufficient to meet crop water demands. It is understood that no rights in excess of the naturally occurring amount from these surface sources are implied or inferred. Generally, throughout Northern Nevada, early July is the common time for harvesting crops of hay, both native/wild and a mixture of domestic pasture grasses. The reason for this date is two-fold: first, the crop of grass has reached its peak growth for harvest at this time, and second, stream flow has receded to a point where there is no longer a sufficient flow to adequately irrigate the crop for a second harvest. However, water may be available for the irrigation of a second crop if there is upstream storage in a reservoir or if the water source is a spring or base flow in a perennial stream that has sufficient flow for a longer period of time during the year. Generally, if it is a good water year, then any additional flow would be used to grow as much grass as possible to be grazed later in the fall.

The filings by non-federal claimants for irrigation purposes in some instances, have claimed portions of places of use controlled by the federal government. The non-federal claimants in this proceeding are the successors in interest to the original appropriators who diverted and beneficially used various streams and springs that existed on and crossed the federal public lands. Irrigation occurred on the open public lands even though the claimants had no title to the place of use. The

⁸ The period of use revealed in historical correspondence and Permit 3100 state that the water was used between April and November with the certificate stating the period of use to be March 1 through October 15. The March 1 through October 15 period of use (229 days) is what the State Engineer decided in 1924, and the current Acting State Engineer concurs with this decision.

prior appropriation system of acquiring waters rights by those who were early settlers on the public domain is recognized by the Acting State Engineer as a way of establishing vested water rights. These acts of settlement were later codified through legislation by Congress, who recognized appropriations of water on the public range for various purposes including agriculture that had been only tacitly recognized before.⁹ The Acting State Engineer finds that the waters of this adjudication are non-navigable waters and that the Congressional legislation enacted specifically defined irrigation as a right to the use of the water on the public range.

Even though the original settlers were trespassers on the public range, the federal government did not act to evict them. This lack of action allowed for the conveyance of possessory titles to land and water rights acquired transferring from one holder to another. Some of these possessory claims to land eventually came into private ownership through patents that did not necessarily include the entire place of use where historical irrigation was occurring. The conveyance of possessory rights on the public range for irrigation or stockwater would transfer in the same manner as water appurtenant to private lands. A settler in good faith might convey his possessory interest in the land and in the water right appurtenant thereto by voluntary surrender to one who takes possession from him. The transferee became vested with all the right his predecessor had in the premises.¹⁰

The lands where the possessory claimants and initial appropriators originally irrigated were on unsurveyed public lands and the boundaries of those lands did not necessarily have definite metes and bounds. These appropriations already made on the public lands and recognized by Congress were a confirmation of the right to insist on the use of the waters to the extent necessary for beneficial purposes for the entire place of use before any control of the public domain was exerted by the federal government. The State Engineer previously found that the waters claimed for irrigation are not “federal property.” The Acting State Engineer finds that the claims for irrigation wherein portions of the places of use claimed are lands controlled by the federal government are viable claims unless otherwise determined in this Order.

⁹ Mining Act, 14 Stat. 253, § 9 (1866); Homestead Act, 16 Stat. 218 (1870); Desert Land Act, 19 Stat. 377 (1877), 43 U.S.C. § 321, *et seq.* (1964).

¹⁰ *Hindman v. Rizer*, 21 Oreg. 112, 116-118, 27 Pac. 13 (1891).

B. Stockwater

Claims filed for stockwater refer to differing quantities for the type of animals from their earliest date of beneficial use to the present. The Acting State Engineer recognizes that livestock are opportunistic and that the number and type of animals that utilize water from the different sources varies, depending on available feed in different parts of the range at different times of year, the amount of water actually available at the source, and on management practices on the public lands. Stockwater duty is quantified based on the number and type of animals that historically used these water sources prior to 1905. The duty of water for livestock shall not constitute any additional duty or diversion rate for any irrigation claims that also include stockwater, or for any stand-alone claims that are within the confines of any property that receives water from the same source for irrigation purposes. Duty is not a measure of water actually available on a perennial basis.

III. CLAIMS OF VESTED RIGHT

A. Irrigation Uses

There are twenty-one Proofs of Appropriation for the continuous use of surface water for irrigation prior to March 1, 1905. There are four Proofs of Appropriation to underground sources for irrigation water prior to March 25, 1939. The claimant and Owner of Record for all Proofs to both surface water and groundwater for irrigation is Heinz Holdco, LLC. The original filing of these claims along with subsequent amendments is described in this section. A complete description of each claim is contained within the Abstract of Claims, a companion document to, but separate from, this Preliminary Order. Because of its small size, the Abstract of Claims is included in Appendix F, rather than under a separate cover.

Proof of Appropriation V-09101 was filed by Betty Charley, Trustee for the Josephine L. Sweeney Trust on July 16, 1999, to divert water from an underground source (Point of Diversion (POD) within the NW¹/₄ NW¹/₄ of Section 33, T.21N., R.18E., M.D.B.&M.) via pumps, surface pipelines and ditches to provide supplemental water to irrigate 2.88 acres of alfalfa, native hay and grain from March 1 to November 1 with a priority date of 1935. Stockwater and domestic use is also claimed. The claim was amended on March 10, 2017, by

Heinz Ranch Land Company, LLC. The amended claim changed the number of cultivated acres to 2.38 acres, the manner of use to include quasi-municipal, the period of use to be from January 1 through December 31 and the priority date to 1924. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-09102 was filed by Betty Charley, Trustee for the Josephine L. Sweeney Trust on July 16, 1999, to divert water from an underground source (POD within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T.21N., R.18E., M.D.B.&M.) via pumps, surface pipelines and ditches to provide supplemental water to irrigate 154.32 acres of alfalfa, native hay and grain from March 1 to November 1 with a priority date of 1935. Stockwater and domestic use is also claimed. The claim was amended on March 10, 2017, by Heinz Ranch Land Company, LLC. The amended claim changed the number of cultivated acres to 165.49 acres, the manner of use to include quasi-municipal, the period of use to be from January 1 through December 31 and the priority date to 1924. The proof also states that this well, in addition to underground sources associated with Proofs V-09103 and V-09104 produce a combined diversion rate of 3.15 cubic feet per second (cfs) (1.05 cfs per well) to produce 1,114.06 afa (based on a duty of 4.53 acre-feet per acre) to fully irrigate a total combined acreage of 245.93 acres. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-09103 was filed by Betty Charley, Trustee for the Josephine L. Sweeney Trust on July 16, 1999, to divert water from an underground source (POD within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T.21N., R.18E., M.D.B.&M.) via pumps, surface pipelines and ditches to provide supplemental water to irrigate 252.22 acres of alfalfa, native hay and grain from March 1 to November 1 with a priority date of 1935. Stockwater and domestic use is also claimed. The claim was amended on March 10, 2017, by Heinz Ranch Land Company, LLC. The amended claim changed the number of cultivated acres to 241.09 acres, the manner of use to include quasi-municipal, the period of use to be from January 1 through December 31 and the priority date to 1924. The proof also states that this well, in addition to underground sources associated with Proofs V-09102 and V-09104 produce a combined diversion rate of 3.15 cfs (1.05 cfs per well) to produce 1,114.06 afa (based on a duty of 4.53 acre-feet per acre) to fully irrigate a total combined acreage of 245.93 acres. An amendment was filed on June 19, 2017,

which corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-09104 was filed by Betty Charley, Trustee for the Josephine L. Sweeney Trust on July 16, 1999, to divert water from an underground source (POD within the NW¼ SW¼ of Section 33, T.21N., R.18E., M.D.B.&M.) via pumps, surface pipelines and ditches to provide supplemental water to irrigate 252.22 acres of alfalfa, native hay and grain from March 1 to November 1 with a priority date of 1935. Stockwater and domestic use is also claimed. The claim was amended on March 10, 2017, by Heinz Ranch Land Company, LLC. The amended claim changed the number of cultivated acres to 241.09 acres, the manner of use to include quasi-municipal, the period of use to be from January 1 through December 31 and the priority date to 1924. The proof also states that this well, in addition to underground sources associated with Proofs V-09102 and V-09103 produce a combined diversion rate of 3.15 cfs (1.05 cfs per well) to produce 1,114.06 afa (based on a duty of 4.53 acre-feet per acre) to fully irrigate a total combined acreage of 245.93 acres. An amendment was filed on June 19, 2017, which corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-09105 was filed by Betty Charley, Trustee for the Josephine L. Sweeney Trust on July 16, 1999, to divert 0.04 cfs of water from Heinz Spring Number 1 (POD within the NW¼ SE¼ of Section 32, T.21N., R.18E., M.D.B.&M.) via dams and ditches to irrigate 2.0 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1881. Stockwater and domestic use is also claimed. The claim was amended on March 10, 2017, by Heinz Ranch Land Company, LLC. The amended claim changed the number of cultivated acres to 2.38 acres, the manner of use to include quasi-municipal and the priority date to 1861. The amended claim stated that the entire flow from the source was diverted and utilized. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-09106 was filed by Betty Charley, Trustee for the Josephine L. Sweeney Trust on July 16, 1999, to divert 0.3 cfs of water from Waltz Canyon Creek and tributaries (POD within the SW¼ SE¼ of Section 5, T.20N., R.18E., M.D.B.&M.) via reservoirs and ditches to irrigate 5.7 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1881. Stockwater and domestic use is also claimed. The claim was

amended on March 10, 2017, by Heinz Ranch Land Company, LLC. The amended claim changed the number of cultivated acres to 376.32 acres, did not reference domestic as a secondary use and modified the priority date to 1861. The amended claim stated that the entire flow from the source was diverted and utilized. An amendment was filed on June 19, 2017, which corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-09107 was filed by Betty Charley, Trustee for the Josephine L. Sweeney Trust on July 16, 1999, to divert 0.02 cfs of water from Heinz Springs Number 2 and 3 (POD within the NW¼ NW¼ of Section 4, T.20N., R.18E., M.D.B.&M.) via a dam and ditches to irrigate 33.6 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1881. Stockwater and domestic use is also claimed. The claim was amended on March 10, 2017, by Heinz Ranch Land Company, LLC. The amended claim changed the number of cultivated acres to 225.36 acres, did not reference domestic as a secondary use and modified the priority date to 1861. The amended claim stated that the entire flow from the sources was diverted and utilized. An amendment was filed on June 19, 2017, which corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-09108 was filed by Betty Charley, Trustee for the Josephine L. Sweeney Trust on July 16, 1999, to divert 3.738 cfs of water from Wet Ravine and Spring Branch (POD within the SE¼ NE¼ of Section 5, T.20N., R.18E., M.D.B.&M.) via dams and ditches to irrigate 373.8 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1881. Stockwater and domestic use is also claimed. The claim was amended on March 10, 2017, by Heinz Ranch Land Company, LLC. The amended claim changed the name of the source to Jones Creek, the number of cultivated acres to 367.98 acres, did not reference domestic as a secondary use and modified the priority date to 1861. The amended claim stated that the entire flow from the source was diverted and utilized. An amendment was filed on June 19, 2017, which corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11203 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from an unnamed stream (POD within the

SW¼ NE¼ of Section 33, T.21N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 43.29 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11204 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from an unnamed stream (POD within the SW¼ NE¼ of Section 33, T.21N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 45.94 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11205 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from an unnamed stream (POD within the SW¼ NE¼ of Section 33, T.21N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 45.94 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11206 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from an unnamed stream (POD within the SE¼ NE¼ of Section 33, T.21N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 12.74 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11207 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from an unnamed spring (POD within the NE¼ SW¼ of Section 5, T.20N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 379.23 acres of alfalfa, native and domestic grass pasture and

diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. An amendment was filed on June 19, 2017, which corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11208 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from an unnamed spring (POD within the NE¼ SW¼ of Section 5, T.20N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 371.03 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. An amendment was filed on June 19, 2017, which corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11209 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from an unnamed spring (POD within the NE¼ SW¼ of Section 5, T.20N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 379.23 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. An amendment was filed on June 19, 2017, which corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11210 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from an unnamed stream (POD within the SE¼ NE¼ of Section 32, T.21N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 84.44 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11211 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from an unnamed stream (POD within the SE¼ NE¼ of Section 32, T.21N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch

systems and berms to irrigate 84.44 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11212 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from Heinz Spring Number 3 (POD within the SW¼ NW¼ of Section 4, T.20N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 225.36 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. An amendment was filed on June 19, 2017, which corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11213 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from Heinz Spring Number 2 (POD within the NW¼ NW¼ of Section 4, T.20N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 225.36 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. An amendment was filed on June 19, 2017, which corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11214 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from Waltz Canyon Spring (POD within the SW¼ NE¼ of Section 8, T.20N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 367.98 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. An amended claim was filed on June 19, 2017, which clarified the POD and corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11215 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from Waltz Canyon Creek Reservoir (POD

within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32 T.21N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 367.98 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. An amendment was filed on June 19, 2017, which corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11217 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from an unnamed spring (POD within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T.20N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 367.98 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. An amendment was filed on June 19, 2017, which corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11218 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from an unnamed spring (POD within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, T.20N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 367.98 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. An amendment was filed on June 19, 2017, which corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11219 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from an unnamed spring (POD within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, T.20N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 367.98 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. An amendment was filed on June 19, 2017, which corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11220 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from an unnamed spring (POD within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, T.21N., R.18E., M.D.B.&M.) via the natural channels, reservoirs, ditch systems and berms to irrigate 367.98 acres of alfalfa, native and domestic grass pasture and diversified pasture from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. An amendment was filed on June 19, 2017, which corrected a typographical error on the POU tabulation. The current owner of record for this claim is Heinz Holdco, LLC.

B. Stockwatering

The owners of record for the three Proofs of Appropriation claiming the continuous use of surface water for stockwater purposes prior to March 1, 1905, are Hamilton Properties, Inc. and Heinz Holdco, LLC. The owner of record for the one underground source for stockwater use is Heinz Holdco, LLC. The pre-statutory date for percolating underground sources is prior to March 25, 1939. The original filing of these claims along with subsequent amendments is described in this section. A complete description of each claim is contained within the Abstract of Claims, a companion document to, but separate from this Preliminary Order.

Proof of Appropriation V-04225 was filed by Ruth D. Mathews on October 29, 1984, to divert 0.5 cfs of water from Cold Springs (POD within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, T.21N., R.18E., M.D.B.&M.) via a natural pool and a loose rock dam to water 250 cattle, 5 horses and 5 sheep along with various wildlife from January 1 through December 31 of each year with a priority date of prior to 1905. The current owner of record for this claim is Hamilton Properties, Inc.

Proof of Appropriation V-09109 was filed by Betty Charley, Trustee for the Josephine L. Sweeney Trust on July 16, 1999, to divert 0.016 cfs of water from Ground Hog Spring (POD within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, T.21N., R.18E., M.D.B.&M.) via ditches to water 200 cattle from January 1 through December 31 with a priority date of 1881. Domestic was also stated as a secondary use. An amended proof was filed on March 10, 2017, by Heinz Ranch Land Company, LLC., which changed the number of animals to 100 cattle and 20 horses,

changed the diversion rate to the entire flow and modified the priority date to 1861. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-09110 was filed by Betty Charley, Trustee for the Josephine L. Sweeney Trust on July 16, 1999, to divert 0.046 cfs of water from an underground source (POD within the SW¼ NE¼ of Section 33, T.21N., R.183E., M.D.B.&M.) via a trough and pond to water 200 cattle from January 1 through December 31 with a priority date of 1935. An amended proof was filed on March 10, 2017, by Heinz Ranch Land Company, LLC., which changed the number of animals to 100 cattle and 20 horses, changed the diversion rate to 0.00375 cfs (calculated) and modified the priority date to 1924. The current owner of record for this claim is Heinz Holdco, LLC.

Proof of Appropriation V-11216 was filed by Heinz Ranch Land Company, LLC on March 10, 2017, to divert the entire flow of water from an unnamed spring (POD within the NE¼ SE¼ of Section 5, T.20N., R.18E., M.D.B.&M.) via a pipeline, trough and natural channel to water 100 cattle and 20 horses from January 1 through December 31 with a priority date of 1861. The current owner of record for this claim is Heinz Holdco, LLC.

IV. FINDINGS OF THE ACTING STATE ENGINEER ON NON-RESERVED RIGHT CLAIMS

The following claims of pre-statutory vested water rights are for surface and underground water sources within the area encompassed by this adjudication proceeding. These claims and appropriations were established pursuant to Chapter 533 of the Nevada Revised Statutes. The claims were evaluated using supporting materials supplied by the claimants, field investigations undertaken by staff of the NDWR and from data obtained from public domain sources. The limit and extent of all claims within the adjudication area are described in detail in the *Table of Relative Rights Determined to be Valid* located in Appendix A. Tables describing the relationships between comingled and supplemental water sources and maps illustrating the Places of Use of the claims can be found in Appendix E.

There is one owner of record of the twenty-five proofs for the use of underground and surface waters for irrigation and two owners of record for the four proofs for the use of

underground and surface waters for stockwater. The claimant for irrigation is Heinz Holdco, LLC. The claimants for stockwater use are Heinz Holdco, LLC. and Hamilton Properties, Inc.

A. Irrigation

Heinz Holdco, LLC

The Heinz Ranch is located in Washoe County approximately 13 miles northwest from Reno, Nevada. The main ranch buildings are situated in the NW¼ of Section 33, T.21N., R.18E., M.D.B.&M., at an elevation of approximately 5,050 feet.

The records of the Heinz Ranch area show that it was developed prior to 1867 as it appears on the 1868 GLO plat for T.21N., R.18E. as “Laughton’s Field” and “Laughton’s House” and is described in the supporting GLO survey notes of A.J. Hatch.¹¹ Records of survey for the main ranch area were recorded in 1863.¹² The earliest tax records for the main ranch area are for Summer S. Laughton, who was assessed for a possessory claim for the ranch from 1863 through at least 1867. William L. Ross was assessed for this same piece of property and obtained State Patent No. 2677 for the SW¼ SE¼ of Section 32 in 1887. Frank Heinz obtained State Patent No. 4820 in 1902 for the E½ E½ of Section 32. Fred Eickbusch was issued Federal Homestead Entry Patent No. 820464 for the S½ SW¼ and W½ SE¼ of Section 28 in 1921. The Central Pacific Railroad was issued a Railroad Grant Patent in 1876 for Section 33. Even though actual title for the most of the lands was not obtained until much later than 1905, the possessory claims and tax records show that the lands were being used for agriculture from approximately 1867 onward, even though certain portions were in obvious trespass. Frank Heinz had consolidated the majority of the lands occupied by the current ranch and obtained title by 1905 with the exception of those lands in Section 28, of which he had a possessory claim on and was being assessed taxes for. The current ranch holdings, including all water rights are currently in the name of Heinz Holdco, LLC. This chain of title to the present owners is believed to be complete.

The Acting State Engineer finds that the water was first put to beneficial use in 1867. This is based on the 1868 GLO plate of T.21N., R.18E. and the survey notes from Hatch, who

¹¹ Andrew J. Hatch, G.L.O. Survey notes dated 1867, Volume R0030, pp. 199-218.

¹² Records of survey, Washoe County, Nevada Territory, D. B. Scott - County Surveyor, pp. 153-

surveyed the area for the GLO in late 1867.¹³ The earliest filing for water rights in the Heinz Ranch area that were filed in the Office of the State Engineer is Permit 3100 (Certificate 1987), which was filed September 3, 1914. The application was filed by Minnie L. Heinz to divert 16.4 cfs of water from Wet Ravine (Jones Creek) and Spring Branch to irrigate 1,640 acres and to also use the water for domestic purposes.

Louise Heinz, in a letter to Joseph Farnsworth dated August 17, 1914, and forwarded to the State Engineer, inquired if anyone had filed on Spring Branch. The State Engineer responded on August 19, 1914, that there were no recordings on file for that source, but it may have a vested right on it. Additionally if no one had been using the water for the past 5 years or more, that it would be open for a new appropriation, and he enclosed a blank form for a new appropriation.

Minnie L. Heinz filed Application for Permit to appropriate the Public Waters of the State of Nevada No. 3100 approximately 2 weeks later. The application was timely protested by Henry Anderson who claimed a senior right under Permit 2240 (Certificate 504) and Permit 2241 (Certificate 505) for flood and spring snow waters off the north and east slopes of Peavine Mountain. These two permits were filed in 1911. The Affidavit of Labor for Permits 2240 and 2241 state that the ditches were completed by late 1912. The completion of this ditch would have effectively cut off the water from the sources of Wet Ravine to the Heinz Ranch. The ranch area was subsequently visited by the State Engineer on June 5, 1915. In a letter dated June 16, 1915, the State Engineer found that the lands under Application No. 3100 had been irrigated for 30 years or more (as related to him by Minnie Heinz), and her vested right was not to be impaired. However, he also stated that the actual amount under the vested right would be determined at a later date as provided by law.

In a second letter dated June 21, 1915, he clarified that Mr. Anderson could take water when the flow was not high enough to reach the Heinz Ranch (futile call) and to take the waters during the off-season and snow melt waters, which would then be transported by ditches to Silver Lake, where it would then be diverted for use in Lemmon Valley. The protest by Mr. Anderson was settled and Permit 3100 was issued on June 1, 1917, for the diversion of 16.4 cfs for the irrigation of 1,640 acres, with no period of use defined. A letter dated June 21, 1917, from Mrs.

154, pp.168-169.

¹³Andrew J. Hatch, G.L.O. Survey notes dated 1867, Volume R0030, pp. 199-218.

M. L. Heinz in response to a letter from the State Engineer concerning the filing of Proof of Commencement of Work and Labor states that no additional works are necessary as all diversions and ditches already exist and “all the water that runs between April and November is used by us and always has been.”

A report in the file by F. O. Broili, for Permit 3100 dated August 4, 1917, reiterates the problem with Mr. Anderson’s ditch that crosses Wet Ravine (Jones Creek) capturing the flow and that Mrs. Heinz continues to remove the ditch to allow the water to flow down the streambed to the ranch. The final disposition of this affair is not documented in the files for either Permits 2240 and 2241 or Permit 3100. The PBU for Permits 2240 and 2241 was filed October 26, 1920, stating the source as flood and snow waters from the north slope of Peavine Mountain (in the off season) and transport to Silver Lake for irrigation use from April 1 to October 1. Certificates 504 and 505 were issued on March 1, 1921, under Permits 2240 and 2241, respectively. The ditches associated with Permits 2240 and 2241 are visible in aerial photographs from 1946¹⁴ to the more recent NAIP photography¹⁵ and were visited by personnel of the NDWR during August 2018.¹⁶ The field visit of August 2018 revealed that the ditches are derelict and have not been in use for quite some time.

The reservoir for the storage of water from the streams and springs on the north slope of Peavine Mountain under Permit 3100 was completed in 1919 as outlined in Affidavit of Completion of Work filed August 18, 1919. Also noted in this affidavit was the construction of lateral ditches for the lands listed in the application to be irrigated. The PBU for Permit 3100 filed December 3, 1923, notes that the flow from the streams runs for only a few weeks each year and “is not nearly enough water for all of this ranch from all canyons combined, but a large area is partially irrigated and a smaller area more thoroughly irrigated.”¹⁷ This statement suggests a low managed grass pasture scenario with interspersed highly managed pasture and/or harvest areas. An amended PBU was filed May 8, 1924, with a cultural map and better defined POU

¹⁴ Earth Explorer, U.S. Geological Survey website, <https://earthexplorer.usgs.gov>, 1946 archive photo 1CV0000020126.

¹⁵ National Agriculture Imagery Program, U.S.D.A. Farm Service Agency, 2003 through 2015.

¹⁶ Proof V-09101 file and supporting documents, official records in the Office of the State Engineer.

¹⁷ Permit No. 3100 file and supporting documents, official records in the Office of the State Engineer.

describing crop types. Both versions of the PBU mentions that the flows from all sources were dependent on snowfall and were usually less than one cfs in a normal year. Certificate 1987 was issued on June 21, 1933, for the diversion of 3.738 cfs of water from Wet Ravine and Spring Branch to irrigate 373.80 acres from March 1 to October 15 of each year for a total duty of 1,695 afs. The low managed grass pasture scenario for the ranch is further exemplified by the Certificate associated with Permit 20240, which states that a diversion of 0.02 cfs from Heinz Springs Number 2 and 3 irrigates 33.6 acres with a total duty of 14.48 afa (or 0.43 acre-feet per acre). The POU for Permit 20240 is a portion of the area certificated under Permit 3100, thus making it comingled water with the older permit, but not increasing the area extent of the older permit. This water, if left unchecked, would have eventually flowed into Wet Ravine above the confluence with Waltz Canyon Creek to irrigate the Heinz Ranch. A map showing the locations of the PODs and POUs of the Heinz Ranch statutory permits along with the location of the ditch associated with Permits 2240 and 2241 is shown in Figure 2.

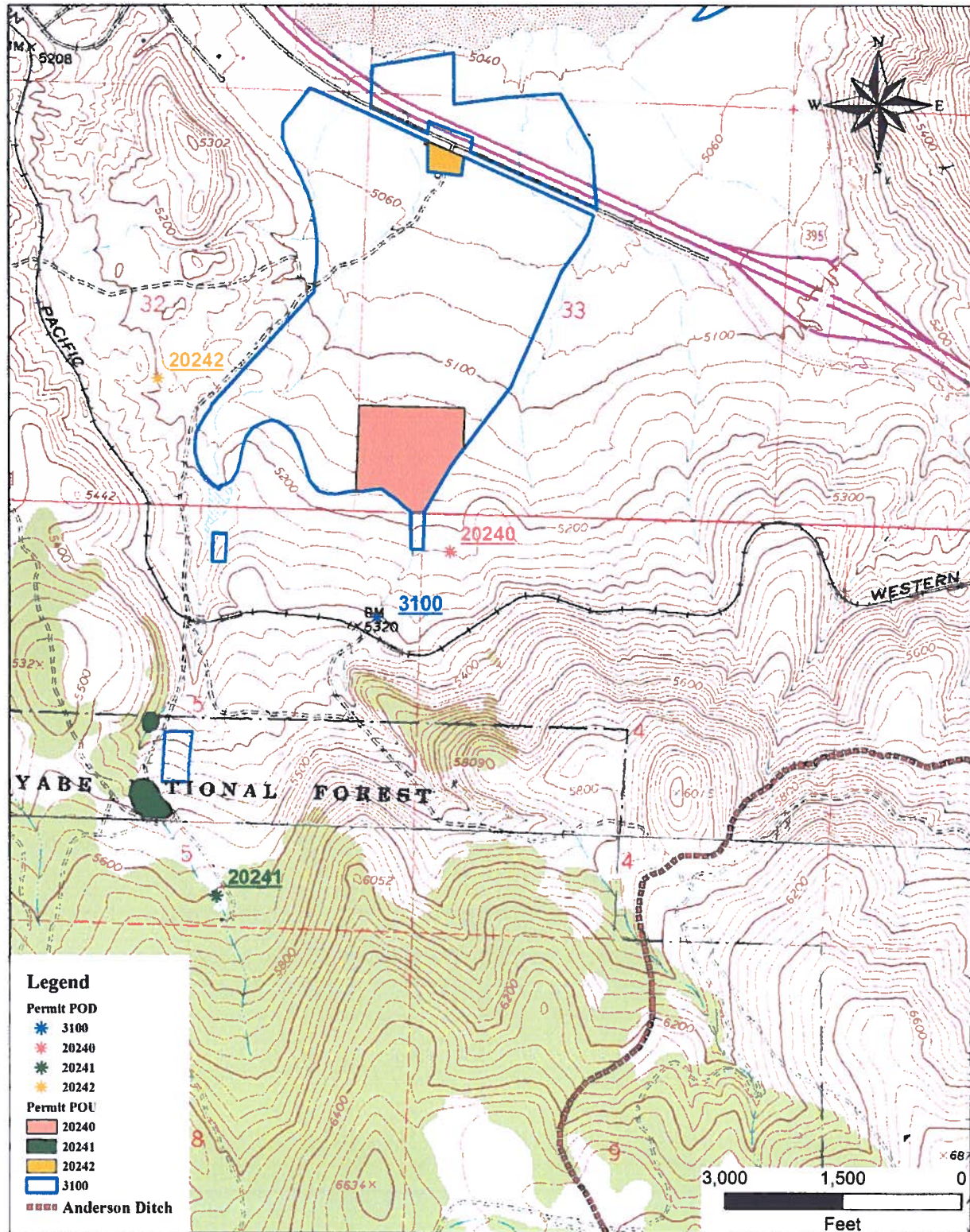


Figure 2. Map of Heinz Ranch area showing irrigation permits and the trace of the ditch described under Permits 2240 and 2241.

By examining these permit files and their associated support documents and correspondence, what the ranch looked like prior to 1905 is different than its present configuration. The two main stream sources in the area have had different names through time, so to minimize confusion, the Acting State Engineer will use the names Jones Creek (also known as “wet ravine”) and Waltz Canyon Creek (also known as “Spring Branch”). These names are used in association with the newest proof filings to minimize confusion. This lack of formal name designations is exemplified as there are no streams identified by name in the basin on published USGS 7.5 minute topographic maps.

The permit map filed in support of Application 3100, filed November 17, 1917, three years later than the application, only shows the proposed reservoir and ditch connecting Jones Creek with Waltz Canyon Creek with no fields or other culture or improvements shown. The PBU support map for Permit 3100 shows a ditch infrastructure that is not as well developed as what is observed at the present time. This map depicts the POU, which looks very similar to the current ranch configuration and the POUs for the amended claims of vested right filed on the ranch in 2017, but the cultural distinctions between harvest and meadow areas are different. The development of underground sources to supplement the surface waters changed large areas from diversified pasture to meadow and meadow to harvest, as the surface sources do not have the sustained flows to fully irrigate the ranch as described by Permit 3100 and its supporting documents.

The reservoir constructed as a result of Permit 3100 on Waltz Canyon Creek has a capacity of 20 to 30 acre-feet. The reservoir is large enough to collect water, that when released, would have sufficient head to improve the flow of water across the irrigated fields. But the capacity of the reservoir is inconsequential for the purpose of storage to fully irrigate the Heinz Ranch lands later in the irrigation season or the following year. The improvements in ditch infrastructure made in conjunction with Permit 3100 greatly increased the meadow acreage under irrigation, but not necessarily the amount of harvest. The water sources and their associated streams do not produce the amount of water necessary during the irrigation season to effectively grow a harvest crop at the acreages described in the PBU and subsequent certificate.

The PBU states that normal flow from the sources is usually less than 1.0 cfs during average years. PBUs filed for Permits 20240 (Heinz Springs Nos. 2 and 3) and 20241 (Waltz

Canyon Creek) stated flows of 0.02 cfs and 0.30 cfs, respectively, which were taken on June 12, 1962.¹⁸ Stream flow data collected by the NDWR in 2017 and 2018 and data submitted by Lumos and Associates for the water year 2017 show the general trend of a freshet from January through May with an average of 2.38 cfs and a peak average total flow of 3.73 cfs in February tapering down to approximately 0.1 cfs total from July through November.¹⁹ These flows also occurred during a water year (2017) that was in excess of 200% of normal.²⁰

The NDWR measurements showed a similar trend to the data submitted by Lumos and Associates for the latter portion of 2017 when measurements began on a monthly basis. Flow measurements for the water year 2017-2018 are more in line with average expected flows, with the total measured flow for the height of the freshet in March, 2018 being less than 1 cfs.²¹ This flow rate is in line with what was reported in the PBU for Permit 3100, which was estimated at less than 1 cfs. The modern flow data further supports the statement from the PBU for Permit 3100, filed in 1923, which suggest that the majority of the ranch was low managed grass hay/pasture with small areas of harvest prior to 1905. The Lumos and Associates data shows that the total amount of water available from the two major surface sources in 2017 (a 200% water year) was approximately 775 acre-feet.²² This amount of water would irrigate approximately 200 to 250 acres of harvest and meadow. The Lumos and Associates data from 2018 (a more normal year) shows the total amount of water available was approximately 205 acre-feet.²³ This amount of water would irrigate approximately 70 to 100 acres of low managed meadow.

¹⁸ Permit 20241 and 20242 files and supporting documents, official records in the Office of the State Engineer.

¹⁹ Michael Widmer, Lumos and Associates, Memorandum to Don Pattalock dated January 31, 2018, re: StoneGate precipitation and spring flow update, Water Year 2016-2017, Cold Spring Valley Adjudication Files, official records in the Office of the State Engineer.

²⁰ California Nevada River Forecast Center website, National Oceanic and Atmospheric Administration.

²¹ Proof V-09101 file and supporting documents, Office of the State Engineer.

²² Michael Widmer, Lumos and Associates, Memorandum to Don Pattalock dated January 31, 2018, re: StoneGate precipitation and spring flow update, Water Year 2016-2017, Cold Spring Valley Adjudication Files, official records in the Office of the State Engineer.

²³ Jay Fischer, Lumos and Associates, Memorandum to Don Pattalock dated October 3, 2018, re: StoneGate precipitation and spring flow update, Water Year 2017-2018, Cold Spring Valley Adjudication Files, official records in the Office of the State Engineer.

The problem arises in that a large percentage of the total flow occurs between January 1 and April 1, which is outside of the growing season. This results in the majority of that water flowing down the stream channels with sheet wash across the fields in areas of lower gradient and ending up in White Lake. This scenario resulted in White Lake reaching a water level in 2017 that had not been seen in decades. The flow data collected by the NDWR in 2017-2018, more approximate a normal water year with the total yield from August 2017 through August 2018 being approximately 175 to 200 acre-feet (expanded and extrapolated from flow measurements).²⁴ The sheet wash effect of the spring freshet in early 2018, was not as dramatic in volume or extent as observed in 2017. The affidavit of Dennis M. Charley (great grandson of Frank Heinz) dated July 14, 1999, stated the only surface source of water used year-round was Heinz Spring No. 1 (Proof V-09105), whose water was used for domestic purposes, stockwater and minor irrigation.²⁵ This water was piped down to the ranch house, where it currently drains into the well associated with Proof V-09101. When the underground sources were developed, the number of acres that would have been managed meadow or pasture increased, as would the number of acreage classified as harvest.

There are currently five wells on the Heinz Ranch. One was drilled for stockwater immediately east of the main irrigated acreage; one was drilled adjacent to the ranch house for minor irrigation, stockwater and domestic uses; and three were drilled in the main irrigated area of the ranch for irrigation and stockwater use. The well casings of four wells are of varying types of riveted pipe, which would suggest either several generations of drilling, or the reusing and recycling of casing from other areas, rather than purchasing new casing material.

Documentation filed in support of the claims suggest that the wells were drilled sometime after 1920 but before 1940, when welded steel pipe would have been readily available and competitive in price to salvage casing. The Acting State Engineer finds that these four wells with riveted casing were drilled and developed at about the same time. The affidavit of Betty Charley (granddaughter of Frank Heinz), dated July 14, 1999, stated there were four wells in place prior to her birth and one put in around 1970. Betty Charley was born in 1924, which would mean that

²⁴ Proof V-09101 file and supporting documents, official records in the Office of the State Engineer.

²⁵ Proof V-09105 file and supporting documents, official records in the Office of the State Engineer.

these four wells were drilled prior to her birth. The fifth well has welded pipe at the surface and would suggest it was drilled much later than the other four.

The Acting State Engineer finds that the well with the welded casing is the well drilled in the 1970s, as described in Betty Charley's affidavit. However, in a memorandum from Michael Hardy to Donald Pattalock dated October 1, 2018, this well was video logged on June 13, 2018, which found evidence of riveted casing,²⁶ suggesting that it was contemporaneous with the other wells but had undergone rehabilitation and deepening in the 1970s. A similar type downhole video survey conducted by the NDWR on December 26, 2018, revealed more modern construction of welded seams and machined perforations. The NDWR survey did not show any evidence of riveted casing.²⁷ The Acting State Engineer finds that this well was contemporaneous with the other four but was rehabilitated and deepened in the 1970s. The original proofs for the underground claims filed in 1999 state that the wells were drilled as a supplemental water source and the waters from these wells were put to beneficial use prior to 1935. The original 1999 map filed in support of the supplemental groundwater claims (Proofs V-09101 through V-09104) shows a much smaller areal extent of irrigated acreage but only illustrates the POU for Proofs V-09101 through V-09104 and comprises a total area of 252.22 acres.²⁸ The supplemental nature of the groundwater was reiterated in the amended filings of March 10, 2017, but with a priority date of prior to 1924. The amended proofs enlarged the POU with respect to the original filings. The recorded documentation is inconclusive as to a more definitive priority date.²⁹

The PBU filed on December 3, 1923, and map filed on May 8, 1924, in support of Permit 3100 shows acreages in production in excess of that which could be supported by the available surface water alone. The improvements in ditch infrastructure and construction of the reservoir made in conjunction with Permit 3100, greatly increased the meadow acreage under irrigation,

²⁶ Michael Hardy, Lumos and Associates, Memorandum to Don Pattalock dated October 1, 2018, re: Historical Well Production Capacity from the Heinz Ranch Wells, Cold Spring Valley Adjudication Files, official records in the Office of the State Engineer.

²⁷ Proof V-09101 file and supporting documents, official records in the Office of the State Engineer.

²⁸ *Id.*

²⁹ Eric Obermayr, 2017, Memorandum to Mike Buschelman, re: Heinz Ranch water wells, Proof V-09101 file and support documents, official records in the Office of the State Engineer.

but not the amount of harvest. The increase in the acreage classified as harvest would have occurred as a result of the underground wells being drilled and supplying additional supplemental waters to fields established under the permit. This gives support to the Betty Charley affidavit that four of the wells were in existence prior to her birth in 1924. According to the original and amended proofs, these wells were drilled to supplement the surface waters, which were permitted under Permit 3100, as the surface water proofs were not filed until 1999 with additional proofs and amendments filed in 2017. With the wells being drilled prior to 1939, if they were non-artesian, they would not have required a permit or even notification to the Acting State Engineer of their existence. For these reasons, the Acting State Engineer has determined that the underground proof filings (V-09101 through V-09104) were drilled as supplemental water sources to support Permit 3100 and the acreages that would be later identified as claims of vested right. The relationships between the acreages described under Permit 3100, the claims of vested right for surface water discussed below, and the associated supplemental groundwater claims are illustrated in Figure 3. The Acting State Engineer has determined that the four irrigation wells and one stockwater well were drilled prior to 1924 as stated in the amended proofs and outlined in the documentation submitted in support of these proofs.

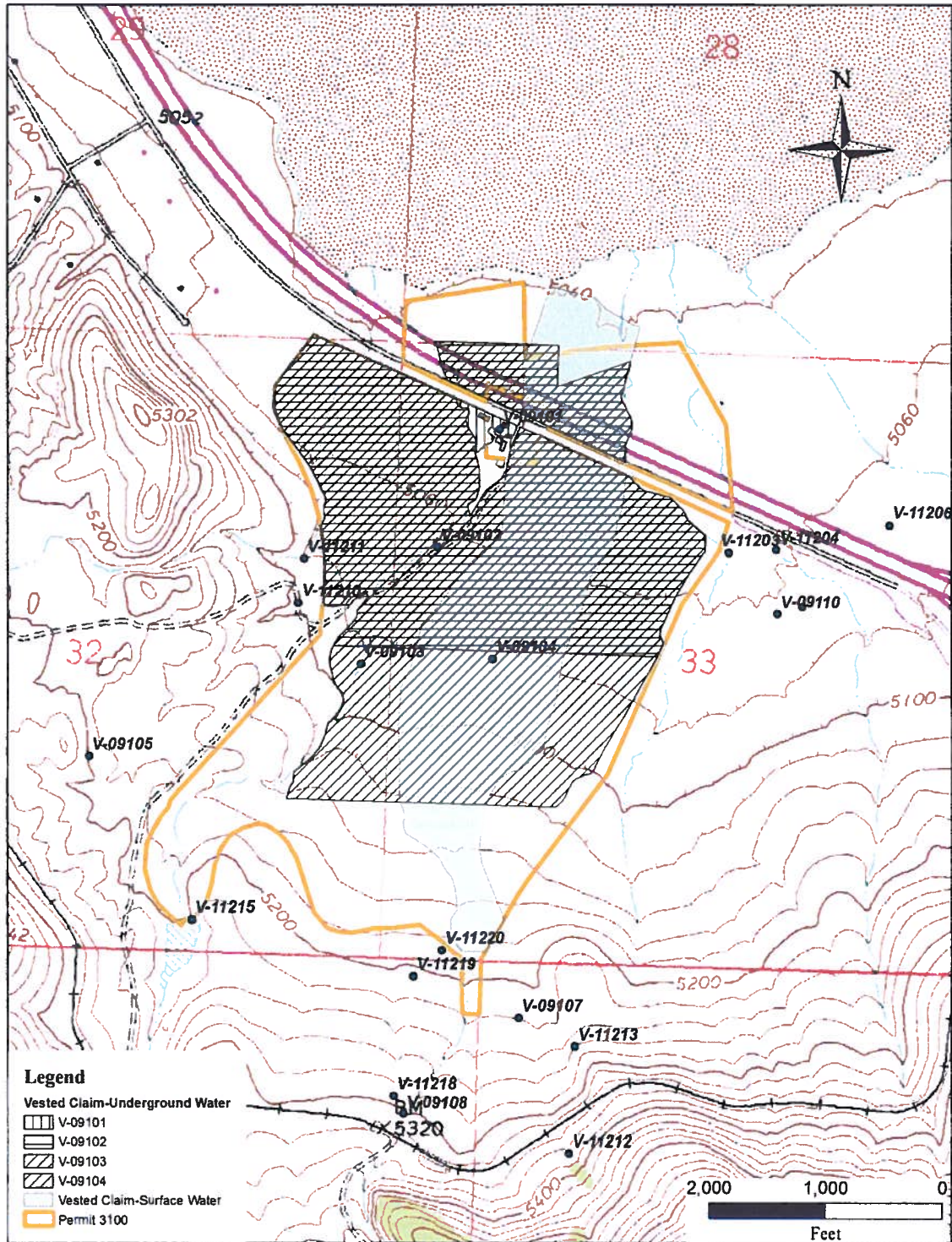


Figure 3. The relationships between the acreages described under Permit 3100, the proofs determined to be valid for surface water and the associated supplemental groundwater proofs.

Based on the information outlined above, the Acting State Engineer finds that the amount of acreage under irrigation in the main field area prior to 1905 was approximately 90 acres, the majority of which was low managed pasture grasses. This acreage is supported by the amount of available water during the growing season, which was approximately 0.5 cfs based on both historical and current flow measurements reported for the period of use from all surface sources, both streams and springs (assuming 0.40 cfs from Jones Creek and Waltz Canyon Creek combined and 0.02 cfs for each of the five other claimed springs tributary to these streams but downstream of the measuring points used by Lumos and Associates). This acreage is located in the western portion of Section 33, T.21N., R.18E. and corresponds to Laughton's field on the 1868 GLO plat, although is about two to three times the areal extent of Laughton's field illustrated on that map. This acreage does not include the acreages claimed adjacent to the ranch house in Section 32, T.21N., R.18E., or the pastures located in Section 5, T.20N., R.18E., which are discussed later.

The acreage to the north of Virginia Street or current U.S. Route 395, as shown by the PBU map filed in support of 3100, illustrates 53.4 acres of grain without any depiction of ditches or other infrastructure for the conveyance of water, with an additional non-contiguous 14 acres further to the northeast. The Acting State Engineer finds that this area was undeveloped prior to 1905. It would have been put into production in conjunction with Permit 3100. The fields are readily apparent in the historical aerial photography, but are currently overgrown with sage and other brushy vegetation. It is for these reasons that the Acting State Engineer accepts as true that there was approximately 24 acres of diversified pasture north of the highway prior to 1905. The acreage would receive occasional irrigation water during wet years and the freshet when the main area was unable to utilize all the waters that were available. A portion of this acreage of diversified pasture north of the highway is located on the right of way for U.S. Route 395, lands managed by the Nevada Department of Transportation, although transfer of ownership for the appurtenant water rights has not been undertaken.

The period of use for the surface water under Permit 3100 and its associated correspondence³⁰ states that the water was used between April and November of the year with Certificate 1987 stating that the period of use is between March 1 and October 15. This March 1

³⁰ Permit 3100 file and supporting documents, official records in the Office of the State Engineer.

through October 15 period of use (229 days) is what the State Engineer decided in 1933, and the current Acting State Engineer concurs with this decision.

Proof of Appropriation V-09101 was filed claiming to divert water from an underground source (POD within the NW¼ NW¼ of Section 33, T.21N., R.18E., M.D.B.&M.) via pumps, surface pipelines and ditches to provide supplemental water to irrigate 2.38 acres of alfalfa, native hay and grain from January 1 to December 31 with a priority date of 1924. Stockwater, quasi-municipal and domestic use was also claimed. The POU is located within the NW¼ NW¼ of Section 33, T.21N., R.18E. The original 1999 filing listed the source irrigating 2.88 acres, which was changed to 2.38 acres in 2017 by amending the original proof. Both the original and amended proofs state that the source is a supplemental well. The diversion rate for this well is not mentioned in the documentation filed in support of the proof, but that it is supplemental in nature. The duty claimed for the irrigated acreage is 4.53 acre-feet per acre, which equates to 10.78 afa. The Acting State Engineer has found that this is considerably more than is necessary for a harvest crop within the Cold Spring Hydrographic Area as determined by the NIWR which calculates that no more than 3.1 acre-feet per acre is required. This NIWR number, with an additional 10% added for conveyance losses would equate to a duty of 3.5 acre-feet per acre and would calculate to a duty of 8.33 afa. The POU was depicted on both the original 1999 and amended 2017 map as being around the main ranch house separated from the rest of the agricultural area by a fence.

Field investigations conducted by the NDWR during 2018 located the POD in a cleared area near the location of the former ranch house.³¹ The well casing was intact but had been buried when the ranch house was razed and subsequently uncovered by the claimant at the request of the State Engineer. The well casing was riveted, suggesting that it was drilled and developed at the same time as the other, older irrigation and stock wells, which was prior to 1924. This well was sounded using a weight and tape to approximately 40 feet by staff of the NDWR.³² Within the casing were several pipes, one of which was the pipeline from Heinz

³¹ Proof V-09101 file and supporting documents, official records in the Office of the State Engineer.

³² *Id.*

Spring No. 1 (Proof V-09105 and Permit 20242), which originally supplied water to the ranch house. It was not determined if the water from the spring just drained into the well, to be pumped out along with groundwater when it was put to use. The current pipeline from the spring was put in place in 1962 based on the Proof of Commencement of Labor filed August 14, 1963, associated with Permit 20242. Earlier pipelines or other means of water transport would have been in existence prior, as Heinz Spring No. 1 was the main water source for the ranch house. Remnants of the original irrigated acreage could not be determined because of the razing of several buildings and the ranch house.

Historical aerial photography from 1946 to when the buildings were razed in 2017 match the areas depicted on the support maps.^{33,34,35} The diversion of water for quasi-municipal use is not supported by the documentation filed by the claimant. There was no quantification of the numbers of hired hands, with most correspondence in the files for Permit 3100 mentioning only Minnie Heinz and her daughters doing most of the work.^{36,37} Minnie Heinz also stated that she was a widow in several pieces of correspondence associated with Permit 3100.³⁸ Accommodations and associated water use by the hired help would have been very minimal and limited by the seasonal nature of the work they would be performing. Historical maps and photographs depict only a house, a barn and a few outbuildings such as what would be seen on a small farmstead. The employee's water use would be satisfied utilizing the domestic portion of the claim. The assumption that the ranch housed miners and smelter workers associated with mining in the Peavine area is not supported by the filed documentation other than an undocumented remark in the attachments associated with the amended proof filing. A cultural resource evaluation of the property documents cabins within the ranch compound, but states that they date from the 1930s.³⁹

³³ Earth Explorer, U.S. Geological Survey website, <https://earthexplorer.usgs.gov>.

³⁴ National Agriculture Imagery Program, U.S.D.A. Farm Service Agency, 2003 through 2015.

³⁵ Imagery, Heinz Ranch Area, 39°38'52.36"N, 119°58'37.43"W, Google Earth, July 7, 1993, through August 11, 2017.

³⁶ Permit 2240 file and supporting documents, official records in the Office of the State Engineer.

³⁷ Permit 3100 file and supporting documents, official records in the Office of the State Engineer.

³⁸ *Id.*

³⁹ Michael Drews and Dayna Giambastiani, 2016, Cultural Resources Overview of the Heinz Ranch, South Parcel (approximately 1378 acres) for the Stone Gate Master Planned Community, Washoe County, Nevada, Great Basin Consulting Group, LLC, Project 2016-110-1, 45p.

Based on the information filed in support of the claim, field investigations by his office, historical aerial photography and information available in the public domain, the Acting State Engineer finds a basis for the diversion of 0.02 cfs of water for the irrigation of 2.38 acres of harvest from March 1 to October 15 of each year. This water is supplemental to the surface water from Heinz Spring No. 1 (Proof V-09105), which utilized the same place of use. This right is part of the total combined duty of 8.33 afs from all sources with a priority date of 1924. The Acting State Engineer also finds a basis for the year-round use of water for stockwater and domestic use. The Acting State Engineer does not find a basis for the diversion of water for quasi-municipal use.

Proof of Appropriation V-09102 was filed claiming to divert water from an underground source (POD within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T.21N., R.18E., M.D.B.&M.) via pumps, surface pipelines and ditches to provide supplemental water to irrigate 165.49 acres of alfalfa, native hay and grain from January 1 to December 31 with a priority date of 1924. Stockwater, quasi-municipal and domestic use is also claimed. The proof also states that this well, in addition to underground sources associated with Proofs V-09103 and V-09104 produce a combined diversion rate of 3.15 cfs (1.05 cfs per well) to produce 1,114.06 afa (based on a duty of 4.53 acre-feet per acre) to fully irrigate a total combined acreage of 245.93 acres.

This POD is one of five wells on the Heinz Ranch. The well casing is riveted steel and its construction is consistent with wells drilled during the period claimed. This well would correlate to one of the four wells mentioned in the Betty Charley affidavit that were in existence before her birth in 1924.⁴⁰

The well was sounded using a weight and tape to a depth of approximately 33 feet by staff of the NDWR.⁴¹ The well was video logged on June 13, 2018, by Lumos and Associates, who determined the depth was approximately 28 feet and found evidence of riveted casing.⁴² A similar type downhole video survey conducted by the NDWR on December 27, 2018, determined

⁴⁰ Proof V-09101 file and supporting documents, official records in the Office of the State Engineer.

⁴¹ *Id.*

⁴² Michael Hardy, Lumos and Associates, Memorandum to Don Pattalock dated October 1, 2018, re: Historical Well Production Capacity from the Heinz Ranch Wells, Cold Spring Valley Adjudication Files, official records in the Office of the State Engineer.

the depth of the well at approximately 26 feet and found evidence of riveted casing.⁴³ There is not a well log filed in the Office of the State Engineer per NRS § 534.170, as this was not required prior to 1947.

The well was not being used for irrigation at the time of visits from the NDWR in 2001, 2017 and 2018,⁴⁴ but is still used as a source for stockwater. This well would have supplied supplemental water to the acreages in the main irrigated area claimed under the proofs, which was then improved and expanded under Permit 3100 (Certificate 1987, issued June 21, 1933). The amount of water this well produced is not documented, but the total water pumped from it and the wells claimed under V-09103 and V-09104 would have been enough to supplement the water needs for a large portion of the acreage under Permit 3100. The amount of water pumped would vary from year to year depending upon precipitation and subsequent water supply. Examination of the topography and ditch infrastructure in relation to the location of this well and the wells under V-09103 and V-09104, conclude that it would be possible to pump water to irrigate approximately 240.8 acres of the 373.8 acres certificated under the permit and claims of vested right utilizing the duty of 4.53 acre-feet per acre as outlined in Certificate 1987, thereby supplementing the waters from the surface sources. This source would also supplement the water use for 69.0 acres of the 117.2 acres under the claims of vested rights, which also underlies portions of the permitted area.

The Acting State Engineer finds a basis for the total combined diversion of 2.50 cfs of water from this well and the wells claimed under V-09103 and V-09104, for the supplemental needs for the irrigation of 165.22 acres of harvest, a portion of the POU as described under Certificate 1987 and 45.0 acres of meadow and 24.0 acres of diversified pasture under the surface water claims of vested right, of which 10.91 acres of diversified pasture are not covered under this proof. This acreage does benefit from the additional water applied to the adjacent lands, so it is included in the Table of Relative Rights, although at a duty of 0.75 acre-feet/acre. The majority of the acreage of the POU under the claims of vested right are coincident with acreages associated with Certificate 1987. This water is considered completely supplemental to

⁴³ Proof V-09101 file and supporting documents, official records in the Office of the State Engineer.

⁴⁴ *Id.*

Certificate 1987 and the surface water irrigation proofs. The water from this well, the wells claimed under V-09103 and V-09104, and the surface waters under Permit 3100 and proofs will not exceed 756.63 afs from all sources. The season of use for irrigation is March 1 through October 15 (229 days). The priority date for the irrigation and stockwater portions of this claim is 1924. The period of use for the stockwater portion of the claim is January 1 through December 31 of each year and is considered part of the diversion rate and total duty of the claim. The Acting State Engineer does not find a basis for the diversion of water for quasi-municipal use as outlined in the analysis for Proof V-09101, or domestic use as the well was developed for irrigation and stockwater use in a manner of which would not be suitable for human consumption. Portions of this claim are located on the right of way for U.S. Route 395, lands managed by the Nevada Department of Transportation, although transfer of ownership for the appurtenant water rights has not been undertaken.

Proof of Appropriation V-09103 was filed claiming to divert water from an underground source (POD within the NE¼ SE¼ of Section 32, T.21N., R.18E., M.D.B.&M.) via pumps, surface pipelines and ditches to provide supplemental water to irrigate 241.09 acres of alfalfa, native hay and grain from January 1 to December 31 with a priority date of 1924. Stockwater, quasi-municipal and domestic use is also claimed. The proof also states that this well, in addition to underground sources associated with Proofs V-09102 and V-09104 produce a combined diversion rate of 3.15 cfs (1.05 cfs per well) to produce 1,114.06 afa (based on a duty of 4.53 acre-feet per acre) to fully irrigate a total combined acreage of 245.93 acres.

This POD is one of five wells on the Heinz Ranch. The well casing at the surface is welded steel and is newer in construction than the other wells on the ranch. A field investigation by the NDWR on September 10, 2001, noted that the diesel motor used to power the turbine pump had seized the year before and had not been repaired.⁴⁵ The well was still out of service with the upper gear head, column pipe and turbine pump removed and stacked adjacent to the well when visited in 2017 and 2018.

The well was sounded using a weight and tape to a depth of approximately 285 feet by staff of the NDWR.⁴⁶ The well was video logged on June 13, 2018, by Lumos and Associates,

⁴⁵ *Id.*

⁴⁶ *Id.*

who estimated the depth at 263+ feet and found evidence of riveted casing,⁴⁷ A similar type downhole video survey conducted by the NDWR on December 26 and 27, 2018, determined the depth of the well at approximately 258 feet and found no evidence of riveted casing.⁴⁸ The column pipe and turbine pump stacked next to the well totaled 240 feet lending credence to the well having a depth of ± 258 feet. This was the deepest well on the property for which a claim had been filed. The other claimed wells on the property had riveted casing and were much shallower. There is not a well log filed in the Office of the State Engineer per NRS § 534.170 (added 1947), nor did the claimant supply any additional information concerning this well and its more modern construction. The Acting State Engineer believes that this well is the well referred to in the affidavit of Betty Charley as having been drilled in the 1970s.⁴⁹ It is assumed by the Acting State Engineer that Betty Charley is mistaken about the well being drilled at that time and that it was more likely rehabilitation and deepening of an existing well, which occurred in the 1970s.

The well was not being used for irrigation at the time of visits from the NDWR office in 2001, 2017 and 2018,⁵⁰ but is still a source for stockwater. This well would have supplied supplemental water to the acreages in the main irrigated area claimed under the proofs, which was then improved and expanded under Permit 3100. The amount of water this well produced is not documented, but the total water pumped from it and the wells claimed under V-09102 and V-09104 would have had to been enough to supplement the water needs for a large portion of the acreage under Permit 3100. This would vary from year to year depending upon precipitation and subsequent water supply.

Through examination of the topography and ditch infrastructure in relation to the location of this well and the wells under V-09103 and V-09104, the Acting State Engineer concludes that it would be possible to pump water to irrigate approximately 240.8 acres of the 373.8 acres

⁴⁷ Michael Hardy, Lumos and Associates, Memorandum to Don Pattalock dated October 1, 2018, re: Historical Well Production Capacity from the Heinz Ranch Wells, Cold Spring Valley Adjudication Files, official records in the Office of the State Engineer.

⁴⁸ Proof V-09101 file and supporting documents, official records in the Office of the State Engineer.

⁴⁹ Proof V-09101 file and supporting documents, official records in the Office of the State Engineer.

⁵⁰ *Id.*

outlined in Certificate 1987 utilizing the duty of 4.53 acre-feet/acre, thereby supplementing the waters from the surface sources. This source would also supplement the water use for 104.3 acres of the 117.2 acres under the surface water claims of vested rights, which also underlies portions of the permitted area.

The Acting State Engineer finds a basis for the total combined diversion of 2.50 cfs of water from this well and the wells claimed under V-09102 and V-09104, for the supplemental needs for the irrigation of 240.82 acres of harvest, a portion of the POU as described under Certificate 1987 and 80.3 acres of meadow and 24.0 acres of diversified pasture under the surface water claims of vested right, of which 10.91 acres of diversified pasture is not covered under this proof. This acreage does benefit from the additional water applied to the adjacent lands, so it is included in the Table of Relative Rights, although at a duty of 0.75 acre-feet/acre. The majority of the acreage of the POU under the claims of vested right are coincident with acreages associated with Certificate 1987.

This water is considered completely supplemental to Certificate 1987 and the surface water irrigation proofs. The water from this well, the wells claimed under V-09103 and V-09104, and the surface waters under Certificate 1987 and claims of vested right will not exceed 1,099.1 afs from all sources. The season of use for irrigation is March 1 through October 15 (229 days). The priority date for the irrigation and stockwater portions of this claim is 1924. The period of use for the stockwater portion of the claim is January 1 through December 31 of each year and is considered part of the diversion rate and total duty of the claim. The Acting State Engineer does not find a basis for the diversion of water for quasi-municipal use as outlined in the analysis for Proof V-09101, or domestic use as the well was developed for irrigation and stockwater use in a manner of which would not be suitable for human consumption.

Proof of Appropriation V-09104 was filed claiming to divert water from an underground source (POD within the NW¼ SW¼ of Section 33, T.21N., R.18E., M.D.B.&M.) via pumps, surface pipelines and ditches to provide supplemental water to irrigate 241.09 acres of alfalfa, native hay and grain from January 1 to December 31 with a priority date of 1924. Stockwater, quasi-municipal and domestic use is also claimed. The proof also states that this well, in addition to underground sources associated with Proofs V-09102 and V-09103, produce

a combined diversion rate of 3.15 cfs (1.05 cfs per well) to produce 1,114.06 afa (based on a duty of 4.53 acre-feet per acre) to fully irrigate a total combined acreage of 245.93 acres.

This POD is one of five wells on the Heinz Ranch. The well casing is riveted steel and its construction is consistent with wells drilled during the period claimed. This well would correlate to one of the four wells mentioned in the Betty Charley affidavit that were in existence before her birth in 1924.⁵¹ The well was sounded using a weight and tape to a depth of approximately 115 feet by staff of the NDWR.⁵² The well was video logged on June 13, 2018, by Lumos and Associates, who estimated the depth at 145 feet and found evidence of riveted casing.⁵³ The well was not being used for irrigation at the time of visits from the NDWR in 2001, 2017 and 2018,⁵⁴ but is still a source for stockwater.

There is not a well log filed in the Office of the State Engineer per NRS § 534.170, as this was not required prior to 1947. This well would have supplied supplemental water to the acreages in the main irrigated area claimed under the proofs, which was then improved and expanded under Permit 3100. The amount of water this well produced is not documented, but the total water pumped from it and the wells claimed under V-09102 and V-09103 would have had to been enough to supplement the water needs for a large portion of the acreage under Permit 3100. This would vary from year to year depending upon precipitation and subsequent water supply.

Examination of the topography and ditch infrastructure in relation to the location of this well and the wells under V-09102 and V-09103, the Acting State Engineer concludes that it would be possible to pump water to irrigate approximately 240.8 acres of the 373.8 acres certificated under the permit and claims of vested right utilizing the duty of 4.53 acre-feet/acre as outlined in Certificate 1987 utilizing the duty of 4.53 acre-feet/acre, thereby supplementing the waters from the surface sources. This source would also supplement the water use for 104.3

⁵¹ *Id.*

⁵² *Id.*

⁵³ Michael Hardy, Lumos and Associates, Memorandum to Don Pattalock dated October 1, 2018, re: Historical Well Production Capacity from the Heinz Ranch Wells, Cold Spring Valley Adjudication Files, official records in the Office of the State Engineer.

⁵⁴ Proof V-09101 file and supporting documents, official records in the Office of the State Engineer.

acres of the 117.2 acres under the surface water claims of vested rights, which also underlies portions of the permitted area.

The Acting State Engineer finds a basis for the total combined diversion of 2.50 cfs of water from this well and the wells claimed under V-09102 and V-09103, for the supplemental needs for the irrigation of 240.82 acres of harvest, a portion of the POU as described under Certificate 1987 and 80.3 acres of meadow and 24.0 acres of diversified pasture under the surface water claims of vested right, of which 10.91 acres of diversified pasture is not covered under this proof. This acreage does benefit from the additional water applied to the adjacent lands, so it is included in the Table of Relative Rights, although at a duty of 0.75 acre-feet/acre. The majority of the acreage of the POU under the claims of vested right are coincident with acreages associated with Certificate 1987.

This water is considered completely supplemental to Certificate 1987 and the surface water irrigation proofs. The water from this well, the wells claimed under V-09102 and V-09103, and the surface waters under Certificate 1987 and claims of vested right will not exceed 1,099.1 afs from all sources. The season of use for irrigation is March 1 through October 15 (229 days). The priority date for the irrigation and stockwater portions of this claim is 1924. The period of use for the stockwater portion of the claim is January 1 through December 31 of each year and is considered part of the diversion rate and total duty of the claim. The Acting State Engineer does not find a basis for the diversion of water for quasi-municipal use as outlined in the analysis for Proof V-09101, or domestic use as the well was developed for irrigation and stockwater use in a manner of which would not be suitable for human consumption.

Proof of Appropriation V-09105 was filed claiming to divert the entire flow of water from Heinz Spring No. 1 (POD within the NW¼ SE¼ of Section 32, T.21N., R.18E., M.D.B.&M.) via dams and ditches to irrigate 2.38 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater, quasi-municipal and domestic use is also claimed. The water from Heinz Spring Number 1 is currently transported from its source to the well claimed under V-09101 via a pipeline, where it was used to irrigate 2.38 acres lawn and for stockwater and domestic use from January 1 through December 31. The

POU for the claim is depicted in much the same manner on the 1946 aerial photograph⁵⁵ as what is seen in more recent aerial photography such as the NAIP imagery.⁵⁶ The POU is also irrigated with supplemental water from an underground source claimed under Proof V-09101. There are no traces of the original transport ditch or pipeline, which was probably replaced and updated at the time of the development of the well.

Based upon historical documentation filed in support of the claim, materials obtained in the public domain and field work conducted by staff of the NDWR, the Acting State Engineer finds a basis for the diversion of water from Heinz Spring to irrigate 2.38 acres of harvest and lawn from March 1 through October 15 with a total duty of 8.33 AFA from all sources with a priority date of 1867. The Acting State Engineer also finds a basis for domestic use and stockwater use for the needs of 100 cattle, 20 horses and other domesticated farm animals (total number of animals on the ranch prior to 1905) from January 1 through December 31 with no additional duty allocated. The Acting State Engineer does not find a basis for the diversion of water for quasi-municipal use as outlined in the analysis for Proof V-09101.

Proof of Appropriation V-09106 was filed claiming to divert the entire flow of water from Waltz Canyon Creek and tributaries (POD within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T.20N., R.18E., M.D.B.&M.) via reservoirs and ditches to irrigate 376.32 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater and domestic use is also claimed. The water from this source irrigates some smaller meadow areas upstream from the main agricultural area and is comingled with water from spring sources located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5 claimed under Proofs V-11208 and V-11217. The water then continues down the natural stream channel to where waters from V-11207 and V-11209 combine and comingle and thence to the small reservoir located on Waltz Canyon Creek associated with Permit 3100. Topography and the irrigation infrastructure in existence prior to 1905 preclude it from being able to irrigate the entire place of use as stated in the claim, as that infrastructure was not in place until the issuance of Permit 3100. This means that the water travelled down the Waltz Canyon Creek channel until its confluence with Jones Creek in the

⁵⁵ Earth Explorer, U.S. Geological Survey website, <https://earthexplorer.usgs.gov>, 1946 archive photo 1CV0000020126.

⁵⁶ National Agriculture Imagery Program, U.S.D.A. Farm Service Agency, 2003 through 2015.

main anch area in the vicinity of the NE¼ NW¼ SW¼ of Section 33, T.21N., R.18E. Here the water comingled with waters from Jones Creek and its associated spring sources to irrigate the northern portion of the main irrigation area as outlined in the Heinz Ranch synopsis at the beginning of this section and the area of diversified pasture north of the original highway.

Therefore, the Acting State Engineer finds a basis for the diversion of 0.34 cfs of water from Waltz Canyon Creek and its associated springs and tributaries for the irrigation of 53.7 acres of meadow and 24.0 acres of diversified pasture from March 1 through October 15. This acreage is irrigated with comingled waters from both Jones Creek and Waltz Canyon Creek with their associated springs and tributaries for a total combined duty of 179.1 afs from all sources with a priority date of 1867. Portions of this acreage was later supplemented by the underground waters associated with Claims V-09102 through V-09104. The Acting State Engineer also finds a basis for the year-round watering of livestock from this surface source.

Proof of Appropriation V-09107 was filed claiming to divert the entire flow of water from Heinz Springs Nos. 2 and 3 (POD within the NW¼ NW¼ of Section 4, T.20N., R.18E., M.D.B.&M.) via dams and ditches to irrigate 225.36 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater and domestic use is also claimed. The water from this POD is the comingling of waters from Heinz Springs Nos. 2 and 3, which have claims V-11213 and V-11212, respectively, filed upon them. The waters then flow down a channel and further comingle with the waters of Jones Creek and its associated tributaries and springs. These comingled waters supply the southern half of the pre-statutory main irrigated area. This water is then comingled even further with the waters from Waltz Canyon Creek to irrigate the remainder of the main irrigated area and the diversified pasture to the north of the highway in high water years.

The POD shares the same location with Permit 20240 (Certificate 5650), which was also filed to appropriate the waters of Heinz Springs Nos. 2 and 3 to irrigate some smaller meadow areas upstream from the main agricultural area and is comingled with water from Jones Creek and spring sources located in the E½ NE¼ of Section 5 claimed under Proofs V-09108, V-11218 and V-11217, and a spring source located in the SW¼ SW¼ of Section 33 claimed under Proof V-11220. The water then continues down the natural stream channel irrigating the upper or southern portion of the main ranch to where it reaches its confluence with Waltz Canyon Creek

in the main ranch area in the vicinity of the NE¼ NW¼ SW¼ of Section 33, T.21N., R.18E. Topography and the irrigation infrastructure in existence prior to 1905 preclude it from being able to irrigate the entire place of use as stated in the claim, as that infrastructure was not in place until the issuance of Permit 3100. At the confluence with Waltz Canyon Creek, the comingled waters irrigate the northern portion of the main irrigation area as outlined in the Heinz Ranch synopsis at the beginning of this section and the area of diversified pasture north of the original highway.

Therefore, the Acting State Engineer finds a basis for the total combined diversion of water totaling 0.55 cfs from Jones and Waltz Canyon Creek for the irrigation of 93.2 acres of meadow and 24.0 acres of diversified pasture from March 1 through October 15. This water is comingled with waters from Jones Creek and Waltz Canyon Creek with their associated springs and tributaries for a total combined duty of 297.6 afs from all sources with a priority date of 1867. Portions of this acreage was later supplemented by the underground waters associated with Claims V-09102 through V-09104. The Acting State Engineer also finds a basis for the year-round watering of livestock from this surface source.

Proof of Appropriation V-09108 was filed claiming to divert the entire flow of water from Wet Ravine and Spring Branch (POD within the SE¼ NE¼ of Section 5, T.20N., R.18E., M.D.B.&M.) via dams and ditches to irrigate 367.98 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater and domestic use is also claimed. This water source is also referred to as Jones Creek. The water from this source is the larger of the two streams that irrigate the majority of the main irrigation area. The source of this water is snowmelt in the spring and from springs for the majority of the year. The flow in the creek decreases in late summer to the point of a trickle if not completely dry as evidenced by flow measurements taken by the NDWR in 2017 (high water year) and 2018 (average water year).⁵⁷ The water irrigates the upper or southern portion of the main irrigated area, comingled with spring sources until it reaches the confluence of the Waltz Canyon Creek and is comingled with those waters, which irrigate the lower reaches of the main irrigated area.

Topography and the irrigation infrastructure in existence prior to 1905 preclude it from being able to irrigate the entire place of use as stated in the claim, as that infrastructure was not in

⁵⁷ *Id.*

place until the issuance of Permit 3100. This means that the water travelled down the Jones Creek channel until its confluence with Waltz Canyon Creek in the main ranch area in the vicinity of the NE¼ NW¼ SW¼ of Section 33, T.21N., R.18E. Here the water comingled with waters from Waltz Canyon Creek and other spring sources to irrigate the northern portion of main irrigation area as outlined in the Heinz Ranch synopsis at the beginning of this section and the area of diversified pasture north of the original highway.

Therefore, in this Preliminary Order of Determination the Acting State Engineer finds a basis for the diversion of water totaling 0.55 cfs from Jones and Waltz Canyon Creek for the irrigation of 93.2 acres of meadow and 24.0 acres of diversified pasture from March 1 through October 15. This water is comingled with waters from Jones Creek and Waltz Canyon Creek with their associated springs and tributaries for a total combined duty of 297.6 afs from all sources with a priority date of 1867. Portions of this acreage was later supplemented by the underground waters associated with Claims V-09102 through V-09104. The Acting State Engineer also finds a basis for the year-round watering of livestock from this surface source.

Proofs of Appropriation V-11203, V-11204 and V-11205 were filed claiming to divert the entire flow of water from three unnamed streams (PODs within the SW¼ NE¼ of Section 33, T.21N., R.18E., M.D.B.&M.) via their natural channel, dams and ditches to irrigate alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. These three unnamed streams are intermittent streams on the south side of U.S. Route 395 and clustered 500 to 700 feet from each other. The stream beds and PODs were visited by staff of the NDWR in the early and late summers of 2017 and 2018, and were found to be dry with no evidence of recent flow.⁵⁸ The drainage area for these streams is less than a square mile. The nature of these streams, being intermittent, and their restricted drainage area preclude them from being a very reliable source for irrigation, especially during the growing season. Water in the streambed, when it occurs, is the result of the spring freshet, which is very short-lived and occurs prior to the growing season, and later season storm events. For these reasons, the Acting State Engineer does not find a basis for the diversion of water from this unnamed stream for irrigation purposes and determines that it is invalid, and therefore rejected in this Preliminary Order of Determination.

⁵⁸ *Id.*

Proof of Appropriation V-11206 was filed claiming to divert the entire flow of water from an unnamed stream (POD within the SE¼ NE¼ of Section of 33, T.21N., R.18E., M.D.B.&M.) via the natural channel, dams and ditches to irrigate 12.74 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. The unnamed stream is a poorly defined intermittent stream on the north side of U.S. Route 395. The stream bed and POD was visited by staff of the NDWR Office in the early and late summers of 2017 and 2018, and was found to be dry with no evidence of recent flow.⁵⁹ The drainage area for this stream is less than one quarter of a square mile. The nature of this stream, being intermittent, and its restricted drainage area preclude it from being a very reliable source for irrigation, especially during the growing season. Water in the streambed, when it occurs, is the result of the spring freshet, which is very short-lived and occurs prior to the growing season, and later season storm events. This stream also drains to an area that the Acting State Engineer does not believe was developed prior to 1905. For these reasons, the Acting State Engineer does not find a basis for the diversion of water from this unnamed stream for irrigation purposes and determines that it is invalid, and therefore rejected in this Preliminary Order of Determination.

Proof of Appropriation V-11207 was filed claiming to divert the entire flow of water from an unnamed spring (POD within the NE¼ SW¼ of Section 5, T.20N., R.18E., M.D.B.&M.) via the natural channel, dams and ditches to irrigate 379.23 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. This spring is located south of the main irrigated acreage in the foothills of the northwest flank of Peavine Peak, immediately adjacent to the spring associated with Proof V-11209. It does not have any ditch infrastructure associated with it. The spring flows year-round, but when visited by staff of the NDWR, the flow was too dispersed to measure.⁶⁰ The meadow associated with the spring area shows evidence of sheet flow and a more expansive area of sub-irrigation.

This meadow area has been seeded with a pasture mix as it contains several grasses such as Timothy, various bromes and fescue, which are not indigenous to the area. It is the Acting

⁵⁹ *Id.*

⁶⁰ *Id.*

State Engineer's belief that this spring was a very minor contributor to the overall water supply for the irrigation of Heinz Ranch prior to 1905. Its main contribution would have been a large sub-irrigated area that is recognized by the Acting State Engineer, but since the water was not diverted to create it, neither a diversion rate or duty is assigned for that acreage. The remaining flow reaches Waltz Canyon Creek and comingles with those waters to irrigate the northern part of the main irrigated area through the ditch infrastructure.

For these reasons, the Acting State Engineer does find a basis for this source's contribution, albeit very minor, to the total combined diversion of 0.31 cfs of water from the Waltz Canyon Creek sources, to contribute for the irrigation of 49.9 acres of meadow and 24.0 acres of diversified pasture from March 1 through October 15. This water is comingled with waters from both Jones Creek and Waltz Canyon Creek with their associated springs and tributaries for a total combined duty of 167.7 afs from all sources with a priority date of 1867. Portions of this acreage was later supplemented by the underground waters associated with Claims V-09102 through V-09104. The Acting State Engineer also finds a basis for the year-round watering of livestock from this surface source.

Proof of Appropriation V-11208 was filed claiming to divert the entire flow of water from an unnamed spring (POD within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T.20N., R.18E., M.D.B.&M.) via the natural channel, dams and ditches to irrigate 371.03 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. This source is tributary to Waltz Canyon Creek and enters the Waltz Canyon Creek channel downstream from the POD claimed under Proof V-09106. The waters from this source are completely comingled with the waters of Proof V-09106, but cannot irrigate the same number of acres due to topography and channel and ditch infrastructure.

In this Preliminary Order of Determination the Acting State Engineer finds a basis for this source's contribution to the total combined diversion of 0.33 cfs of water from this unnamed spring and Waltz Canyon Creek for the irrigation of 52.7 acres of meadow and 24.0 acres of diversified pasture from March 1 through October 15. This water is comingled with waters from both Jones Creek and Waltz Canyon Creek with their associated springs and tributaries for a total combined duty of 176.1 afs from all sources with a priority date of 1867. Portions of this acreage was later supplemented by the underground waters associated with Claims V-09102 through V-

09104. The Acting State Engineer also finds a basis for the year-round watering of livestock from this surface source.

Proof of Appropriation V-11209 was filed claiming to divert the entire flow of water from an unnamed spring (POD within the NE¼ SW¼ of Section 5, T.20N., R.18E., M.D.B.&M.) via the natural channel, dams and ditches to irrigate 379.23 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. This spring is located south of the main irrigated acreage in the foothills of the northwest flank of Peavine Peak immediately adjacent to the spring associated with Proof V-11207. It does not have any ditch infrastructure associated with it. The spring flows year-round, but when visited by staff of the NDWR, the flow was too dispersed to measure.⁶¹ The meadow associated with the spring area shows evidence of sheet flow and a more expansive area of sub-irrigated meadow.

This meadow area has been seeded with a pasture mix as it contains several grasses such as Timothy, various bromes and fescue, which are not indigenous to the area. It is the Acting State Engineer's belief that this spring was a very minor contributor to the overall water supply for the irrigation of Heinz Ranch prior to 1905. Its main contribution would have been a large sub-irrigated area that is recognized by the Acting State Engineer, but since the water was not diverted to create it, neither a diversion rate or duty is assigned for that acreage. The remaining flow reaches Waltz Canyon Creek and comingles with those waters to irrigate the northern part of the main irrigated area through the ditch infrastructure.

For these reasons, the Acting State Engineer does find a basis for this source's contribution, albeit very minor, to the total combined diversion of 0.31 cfs of water from the Waltz Canyon Creek sources, to contribute for the irrigation of 49.9 acres of meadow and 24.0 acres of diversified pasture from March 1 through October 15. This water is comingled with waters from both Jones Creek and Waltz Canyon Creek with their associated springs and tributaries for a total combined duty of 167.7 afs from all sources with a priority date of 1867. Portions of this acreage was later supplemented by the underground waters associated with Claims V-09102 through V-09104. The Acting State Engineer also finds a basis for the year-round watering of livestock from this surface source.

⁶¹ *Id.*

Proof of Appropriation V-11210 was filed claiming to divert the entire flow of water from an unnamed stream (POD within the SE¼ NE¼ of Section 32, T.21N., R.18E., M.D.B.&M.) via the natural channel, dams and ditches to irrigate 84.44 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. The unnamed stream is an intermittent stream to the west of the main irrigated area in the same drainage of Heinz Spring No. 1 (V-09105).

The stream bed and POD was visited by staff of the NDWR on September 26, 2018, and was found to be dry, except downstream from a leak in the pipeline from Heinz Spring No. 1 approximately 600 feet above the POD. The streambed downstream from the leak was flowing approximately 1 gallon per minute (gpm) and disappearing into the streambed approximately 500 feet below the POD. The water did not reach the main irrigated area or the crop areas under Permit 3100 at the time of the visit.⁶² This water would not be available for irrigation in the claimed POU because the water was captured at the spring source and piped to the old ranch house. The water currently in the streambed is the result of the leak in the pipeline. This would make the amount of water that would occur in the streambed, other than that emanating from the leak in the pipeline, the result of the spring freshet and storm events. The drainage area for this stream is less than one quarter of a square mile.

The nature of the stream being intermittent and the restricted drainage area preclude it from being a very reliable source for irrigation, especially during the growing season. Water in the streambed, when it occurs, is the result of the spring freshet, which is very short-lived and occurs mainly prior to the growing season, and during storm events. This stream also drains to an area that the Acting State Engineer does not believe was developed prior to 1905. For these reasons, the Acting State Engineer does not find a basis for the diversion of water from this unnamed stream for irrigation purposes and determines that it is invalid, and therefore rejected in this Preliminary Order of Determination.

Proof of Appropriation V-11211 was filed claiming to divert the entire flow of water from an unnamed stream (POD within the SE¼ NE¼ of Section 32, T.21N., R.18E., M.D.B.&M.) via the natural channel, dams and ditches to irrigate 84.44 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater use

⁶² *Id.*

is also claimed. The unnamed stream is an intermittent stream to the west of the main irrigated area. The drainage area for this stream is less than $\frac{1}{4}$ square mile. The stream bed and POD was visited by staff of the NDWR and was found to be dry, with portions of the stream showing erosion as a result of storm events.⁶³ The drainage area for this stream is less than one quarter of a square mile. The nature of this stream, being intermittent, and its restricted drainage area preclude it from being a very reliable source for irrigation, especially during the growing season. Water in the streambed, when it occurs, is the result of the spring freshet, which is very short-lived and occurs prior to the growing season, and later season storm events. This stream also drains to an area that the Acting State Engineer does not believe was developed prior to 1905. For these reasons, the Acting State Engineer does not find a basis for the diversion of water from this unnamed stream for irrigation purposes and determines that it is invalid, and therefore rejected in this Preliminary Order of Determination.

Proof of Appropriation V-11212 was filed claiming to divert the entire flow of water from Heinz Spring No. 3 (POD within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, T.20N., R.18E., M.D.B.&M.) via the natural channel, dams and ditches to irrigate 225.36 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. This spring is upstream from the POD for Proof V-09107, which also claims the entire flow from Heinz Spring No. 3 and is therefore considered tributary to V-09107. This makes the POD for Proof V-11212 redundant, and therefore rejected in this Preliminary Order of Determination.

Proof of Appropriation V-11213 was filed claiming to divert the entire flow of water from Heinz Spring No. 2 (POD within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, T.20N., R.18E., M.D.B.&M.) via the natural channel, dams and ditches to irrigate 225.36 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. This spring is upstream from the POD for Proof V-09107, which also claims the entire flow from Heinz Spring No. 2 and is therefore considered tributary to V-09107. This makes the POD for Proof V-11213 redundant, and therefore rejected in this Preliminary Order of Determination.

⁶³ *Id.*

Proof of Appropriation V-11214 was filed claiming to divert the entire flow of water from Waltz Canyon Spring (POD within the SW¼ NE¼ of Section 8, T.20N., R.18E., M.D.B.&M.) via the natural channel, dams and ditches to irrigate 376.32 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. This spring is upstream from the POD for Proof V-09106 and is therefore considered tributary to that source. This makes the POD for Proof V-11214 redundant, and therefore rejected in this Preliminary Order of Determination.

Proof of Appropriation V-11215 was filed claiming to divert the entire flow of water from Waltz Canyon Creek Reservoir (POD within the SW¼ SE¼ of Section 32 T.21N., R.18E., M.D.B.&M.) via the natural channel, dams and ditches to irrigate 365.20 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. This reservoir did not exist until after the issuance of Permit 3100 in 1917. Therefore, Proof V-11215 does not qualify as a claim of vested right, as the POD was not in existence prior to 1905 and is rejected in this Preliminary Order of Determination.

Proof of Appropriation V-11217 was filed claiming to divert the entire flow of water from an unnamed spring (POD within the NE¼ SW¼ of Section 5, T.20N., R.18E., M.D.B.&M.) via the natural channel, dams and ditches to irrigate 371.03 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. This source is tributary to Waltz Canyon Creek and enters the Waltz Canyon Creek channel downstream from the POD claimed under V-09106. The waters from this source are completely comingled with the waters of Proof V-09106 and V-11208, but cannot irrigate the same number of acres due to topography and channel and ditch infrastructure. Therefore, in this Preliminary Order of Determination the Acting State Engineer finds a basis for this unnamed spring's contribution, albeit very minor, to the total combined diversion of 0.32 cfs of water from the Jones Creek and Waltz Canyon Creek sources, for the irrigation of 50.8 acres of meadow and 24.0 acres of diversified pasture from March 1 through October 15. This water is comingled with waters from both Jones Creek and Waltz Canyon Creek with their associated springs and tributaries for a total combined duty of 170.4 afs from all sources with a priority date of 1867. Portions of this acreage was later supplemented by the underground waters associated with

Proofs V-09102 through V-09104. The Acting State Engineer also finds a basis for the year-round watering of livestock from this surface source.

Proof of Appropriation V-11218 was filed claiming to divert the entire flow of water from an unnamed spring (POD within the NE¼ NE¼ of Section 5, T.20N., R.18E., M.D.B.&M.) via the natural channel, dams and ditches to irrigate 367.98 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. This spring is located adjacent to Jones Creek below the railroad grade and above the southern extent of the main irrigated area. It is also up-gradient from the ditch that traverses the hillside from Jones Creek to the reservoir on Waltz Canyon Creek, which was constructed in conjunction with Permit 3100. As such, prior to the construction of this ditch, the water from this spring would have flowed into and comingled with the waters of Jones Creek to irrigate the main irrigated area. The spring ceases to flow in late spring and when visited several times by staff of the NDWR, was either dry or the flow was too low and dispersed to measure.⁶⁴ The Acting State Engineer finds that this spring was a very minor contributor to the overall water supply for the irrigation of Heinz Ranch prior to 1905. Its contribution was probably enhanced with the development of a more efficient ditch system associated with Permit 3100, but this occurred well after 1905.

For these reasons, the Acting State Engineer does find a basis for this unnamed spring's contribution to the total combined diversion of 0.55 cfs water from the Jones Creek and Waltz Canyon Creek sources, for the irrigation of 93.2 acres of meadow and 24.0 acres of diversified pasture from March 1 through October 15. This water is comingled with waters from both Jones Creek and Waltz Canyon Creek with their associated springs and tributaries for a total combined duty of 297.6 afs from all sources with a priority date of 1867. Portions of this acreage was later supplemented by the underground waters associated with Proofs V-09102 through V-09104. The Acting State Engineer also finds a basis for the year-round watering of livestock from this surface source.

Proof of Appropriation V-11219 was filed claiming to divert the entire flow of water from an unnamed spring (POD within the NE¼ NE¼ of Section 5, T.20N., R.18E., M.D.B.&M.) via the natural channel, dams and ditches to irrigate 367.98 acres of alfalfa, native hay and grain

⁶⁴ *Id.*

from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. This spring is located on the southern flank of the main irrigated acreage. It does not have any ditch infrastructure adjacent to it. The spring flows in late spring to early June but when visited by staff of the NDWR, was either dry or the flow was too dispersed to measure.⁶⁵ It is eventually intercepted by the ditch system when flows are high enough, but these ditches were developed as a result of the issuance of Permit 3100, so they did not exist prior to 1905. The Acting State Engineer finds that this spring was a very minor contributor to the overall water supply for the irrigation of Heinz Ranch prior to 1905. Its contribution would have been a large sub-irrigated area which is recognized by the Acting State Engineer, but since the water was not diverted to create it, neither a diversion rate or duty is assigned for that acreage. The remaining flow would eventually reach Jones Creek and comingle with those waters to irrigate the main irrigated area through the ditch infrastructure.

For these reasons, the Acting State Engineer does find a basis for this unnamed spring's contribution to the total combined diversion of 0.55 cfs water from the Jones Creek and Waltz Canyon Creek sources, for the irrigation of 93.2 acres of meadow and 24.0 acres of diversified pasture from March 1 through October 15. This water is comingled with waters from both Jones Creek and Waltz Canyon Creek with their associated springs and tributaries for a total combined duty of 297.6 afs from all sources with a priority date of 1867. Portions of this acreage was later supplemented by the underground waters associated with Proofs V-09102 through V-09104. The Acting State Engineer also finds a basis for the year-round watering of livestock from this surface source.

Proof of Appropriation V-11220 was filed claiming to divert the entire flow of water from an unnamed spring (POD within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, T.21N., R.18E., M.D.B.&M.) via the natural channel, dams and ditches to irrigate 367.98 acres of alfalfa, native hay and grain from January 1 through December 31 with a priority date of 1861. Stockwater use is also claimed. This spring is located adjacent to Jones Creek and below the spring associated with Proof No. V-11219. This spring's flow is intersected by the ditch system, which was developed as a result of Permit 3100. As such, prior to the construction of this ditch, the water from this spring would have flowed into and comingled with the waters of Jones Creek to irrigate

⁶⁵ *Id.*

the main irrigated area. The spring ceases to flow in late spring and when visited several times by staff of the NDWR, was either dry or the flow was too low and dispersed to measure.⁶⁶ The Acting State Engineer finds that this spring was a very minor contributor to the overall water supply for the irrigation of Heinz Ranch prior to 1905. Its contribution was probably enhanced with the development of a more efficient ditch system associated with Permit 3100, but this would have happened well after 1905.

For these reasons, the Acting State Engineer does find a basis for this unnamed spring's contribution to the total combined diversion of 0.55 cfs water from the Jones Creek and Waltz Canyon Creek sources, for the irrigation of 93.2 acres of meadow and 24.0 acres of diversified pasture from March 1 through October 15. This water is comingled with waters from both Jones Creek and Waltz Canyon Creek with their associated springs and tributaries for a total combined duty of 297.6 afs from all sources with a priority date of 1867. Portions of this acreage was later supplemented by the underground waters associated with Proofs V-09102 through V-09104. The Acting State Engineer also finds a basis for the year-round watering of livestock from this surface source.

B. Stockwater

There are three claims of vested right for stockwater use from surface sources in the Cold Spring Hydrographic Basin. They are Proof V-04225 (owner of record is Hamilton Properties, Inc.) and Proofs V-09109 and V-11216 (owner of record is Heinz Ranch Land Company, LLC). There is one claim of vested right for stockwater from an underground source, Proof V-09110 (owner of record is Heinz Ranch Land Company, LLC).

Hamilton Properties, Inc.

Hamilton Properties, Inc. is a domestic corporation whose address is in Reno, Nevada.

Proof of Appropriation V-04225 was filed claiming to divert 0.5 cfs of water from Cold Spring (POD within the SW¼ NE¼ of Section 4, T.21N., R.18E., M.D.B.&M.) via a natural

⁶⁶ *Id.*

pool and a loose rock dam to water 250 cattle, 5 horses and 5 sheep along with various wildlife from January 1 through December 31 of each year with a priority date of prior to 1905. There was no documentation filed in the NDWR in support of this claim. The POD is located on private property owned by Lifestyle Homes TND, LLC, according to the Washoe County Assessor. The Acting State Engineer determines that this claim is incomplete and is therefore not valid in this Preliminary Order of Determination and is rejected.

Heinz Holdco, LLC

The Heinz Ranch is located in Washoe County approximately 13 miles northwest from Reno, Nevada. Documentation filed in support of the claims show that the number of animals present on the ranch varied through time with the best estimate being what was claimed in the amended and new proofs. These proofs state the number of animals being 80 cattle, 20 dairy cows and 20 horses, which the Acting State Engineer determines to be the number of animals on the ranch prior to 1905. The Acting State Engineer determines that the priority date for the use of stockwater to be 1863, based on the early records of survey and tax assessments. This would equate to a diversion rate of 0.004 cfs for the 120 cattle and horses (or the equivalent diversion for other types of livestock), with a total combined duty of 2.71 afa from all sources.

Proof of Appropriation V-09109 was filed claiming to divert the entire flow of water from Ground Hog Spring (POD within the NW¼ SW¼ of Section 27, T.21N., R.18E., M.D.B.&M.) via ditches to water 100 cattle and 20 horses from January 1 through December 31 with a priority date of 1861. The POD is located on private property owned by Heinz Holdco, LLC., according to the Washoe County Assessor. In this Preliminary Order of Determination, a vested right to divert up to 0.004 cfs of water from Ground Hog Spring, when it is available under natural flowing conditions, for the watering of livestock, with a priority date of 1863 is determined to be valid.

Proof of Appropriation V-09110 was filed claiming to divert 0.0375 cfs (calculated) of water from an underground source (POD within the SW¼ NE¼ of Section 33, T.21N., R.18E., M.D.B.&M.) via a trough and pond to water 100 cattle and 20 horses from January 1 through December 31 with a priority date of 1924. The POD is located on private property owned by

Heinz Holdco, LLC., according to the Washoe County Assessor. In this Preliminary Order of Determination, a vested right to divert up to 0.004 cfs of water from this underground source for the watering of livestock, with a priority date of 1924 is determined to be valid.

Proof of Appropriation V-11216 was filed claiming to divert the entire flow of water from an unnamed spring (POD within the NE¼ SE¼ of Section 5, T.20N., R.18E., M.D.B.&M.) via a pipeline, trough and natural channel to water 100 cattle and 20 horses from January 1 through December 31 with a priority date of 1861. The POD is located on private property owned by Heinz Holdco, LLC., according to the Washoe County Assessor. In this Preliminary Order of Determination, a vested right to divert up to 0.004 cfs of water from unnamed spring, when it is available under natural flowing conditions, for the watering of livestock, with a priority date of 1863 is determined to be valid.

V. RESERVED FILINGS OF THE FEDERAL GOVERNMENT

The United States Bureau of Land Management (BLM) filed three Claims of Public Water Reserve (PWR-107), R-11253, R-11254 and R-11255.

Claim of Public Water Reserve R-11253 was filed on August 1, 2017, by the BLM to divert 0.00374 cfs of water from an Unnamed Spring (POD within the NW¼ SW¼ of Section 33, T.22N., R.18E., M.D.B.&M.) via the natural channel and spring area to water 100 cattle, other types of wildlife and domestic use from January 1 through December 31. There are no other claims or permits filed on this source.

Claim of Public Water Reserve R-11254 was filed on August 1, 2017, by the BLM to divert 0.0031 cfs of water from Mud Spring (POD within the NW¼ NE¼ of Section 21, T.22N., R.18E., M.D.B.&M.) via the natural channel and spring area to water 100 cattle, other types of wildlife and domestic use from January 1 through December 31. There are no other claims or permits filed on this source.

Claim of Public Water Reserve R-11255 was filed on August 1, 2017, by the BLM to divert 0.0031 cfs of water from No Name Spring (POD within the SW¼ SW¼ of Section 22, T.22N., R.18E., M.D.B.&M.) via the natural channel and spring area to water 100 cattle, other

types of wildlife and domestic use from January 1 through December 31. There are no other claims or permits filed on this source.

VI. FINDINGS OF THE ACTING STATE ENGINEER CONCERNING FEDERAL CLAIMS TO RESERVED RIGHTS

United States of America, Department of the Interior, Bureau of Land Management, Public Water Reserve (PWR) 107, Reserved Right Claims Under Executive Order Dated April 17, 1926

The United States Department of the Interior, Bureau of Land Management (BLM) filed Notice of Public Water Reserve Nos. R-11253, R-11254 and R-06947 and indicates on the form that the spring source will provide water to various numbers of cattle and that wildlife use these spring sources or have the potential to use these sources. The BLM cites to Executive Order 107, dated April 17, 1926 (commonly known as Public Water Reserves 107 “PWR 107”), as the authority for these claimed implied federal reserved water rights.

President Coolidge signed Executive Order 107 on April 17, 1926, creating authority for PWR 107 claims. The Executive Order stated that:

Every smallest legal subdivision of public land surveys which is vacant, unappropriated, unreserved public land and contains a spring or waterhole and all land within one quarter mile of every spring or waterhole, located on unsurveyed public land, be and the same is hereby withdrawn from settlement, location, sale or entry, and reserved for public use in accordance with the provisions of Section 10 of the Act of December 29, 1916.

“A withdrawal makes land unavailable for certain kinds of private appropriation under the public land laws.” *Kane County, Utah v. U.S.*, Case No. 2:08-cv-00315, pp. 29-30 (D. Utah 2013). “A reservation, on the other hand, goes a step further: it not only withdraws the land from operation of the public land laws, but also dedicates the land to a particular public use.” Thus, a reservation both withdraws the land and reserves it for a specific public use. *Id.* PWR 107 both withdraws and reserves land “for public use in accordance with the provisions of Section 10 of the Act of December 29, 1916.” The Act of 1916 is known as the Stock-Raising Homestead Act (the “Stock-Raising Act”). Acts Dec. 29, 1916, ch. 9, 39 Stat. 862. The Stock-Raising Act authorized lands to be reserved that contained “water holes or other bodies of water needed or

used by the public for watering purposes.” *Id.* § 10.⁶⁷ Additionally, while the lands were reserved, they had to “be kept and held open to the public for such purposes” prescribed by the Secretary of the Interior. *Id.*

A federal reservation does not in and of itself result in a reservation of water. Instead, there must be a determination of whether the government intended to reserve water, the precise federal purpose by the reservation to be served, whether water necessary to accomplish the purpose of the reservation, whether the purpose of the reservation would be entirely defeated without water, and a determination of the minimum quantity of water required to fulfill the purpose of the reservation.⁶⁸ The reserved rights doctrine must be narrowly construed, *U.S. v. City and County of Denver*, 656 P.2d 1, 26 (Colo. 1982) and the right includes “only that amount of water necessary to fulfill the purpose of the reservation, [and] no more.” *Cappaert v. United States*, 426 U.S. at 141, 96 S.Ct. at 2071.

Debate has gone on for decades even within the United States Department of Interior regarding the purposes of a PWR 107 withdrawal. In 1979, then Solicitor Krulitz of the United States Department of the Interior opined that the legislative history of the public spring and water hole withdrawals, and Departmental regulations compelled a conclusion that the purposes for withdrawal of the land upon which public springs and water holes existed were relatively narrow and specific indicating that § 10 of the Stock-Raising Act was part of a congressional plan to implement a system of stock-raising homesteads in the western United States. A House

⁶⁷ Specifically, Section 10 of the Stock-Raising Act stated:

That lands containing water holes or other bodies of water needed or used by the public for water purposes shall not be designated under this Act but may be reserved under the provisions of the Act of June twenty-fifth, nineteen hundred and ten, and such lands heretofore or hereafter reserved shall, while so reserved, be kept and held open to the public use for such purposes under such general rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, that, the Secretary may, in his discretion, also withdraw from entry lands necessary to insure access by the public to watering places reserved hereunder and needed for use in the movement of stock to summer and winter ranges or to shipping points, and may prescribe such rules and regulations as may be necessary for the proper administration and use of such lands.

Further, the Act of June twenty-fifth, nineteen hundred and ten refers to the Pickett Act, 43 U.S.C. § 141 (repealed 1976).

⁶⁸ *United States v. City and County of Denver*, 656 P. 2d 1, 18 (Colo. 1982).

Committee on Public Lands described the purpose of § 10 of Stock-Raising Act as a new section which authorized the Secretary of the Interior to withdraw from entry and hold open for the general use of the public, important water holes, springs, and other bodies of water that are necessary for the large surrounding tracts or country, so that no person could monopolize or control a large territory by locating as a homestead on the only available water supply for stock in that vicinity.⁶⁹ Solicitor Krulitz opined that it was obvious that the purpose for which public water holes and springs were withdrawn included stockwatering and human consumption (among other uses later discarded by subsequent Solicitor Coldiron and courts).⁷⁰

In *United States v. City and County of Denver*, 656 P.2d 1, 31-32 (Colo. 1982), the Colorado Supreme Court examined the purpose of a PWR 107, holding that:

The federal government has reserved rights to provide a watering supply for animal and human consumption. The Stock Raising Homestead Act of 1916 gave the Department of the Interior authority to regulate public springs and waterholes so that no person could monopolize or control vast areas of western land by homesteading the only available water supply. [Footnote omitted.] Regulations later enacted by the Department of Interior recognized the limited domestic drinking and stockwatering purposes of the reservation. . . .The law of prior appropriation still governs the allocation of excess waters. It appears to us that the reservation documents indicate no intent to reserve the entire yield of public springs and waterholes involved here. Nothing in the statute or its legislative history indicates a congressional intent to open public springs and waterholes to the many public uses which the United States is now claiming.

In 1983, Solicitor Coldiron found the reasoning of the Colorado Supreme Court in the Denver case persuasive, modifying Solicitor Krulitz's analysis, and determining that the purposes for which springs and water holes were withdrawn were relatively narrow and specific, and only included stockwatering and human consumption on important springs and water holes.⁷¹

⁶⁹ See, Solicitor's Opinion, M-36914, 86 I.D. 553, June 25, 1979 ("Krulitz"); H.R. Rep. No.35, Jan.11, 1916, 64th Cong. 1st Sess.

⁷⁰ See, Solicitor's Opinion, M-36914 (Supp. II), 90 I.D. 81, Feb. 16, 1983 ("Coldiron"). Solicitor Coldiron found that the judicial interpretation found in the case of the *U.S. v. City and County of Denver*, 656 P.2d 1 (Colo. 1982) that the implied reservation was only applicable to "important" springs, and for the narrow purpose of human and animal consumption was consistent with the United States Supreme Court's holding in *United States v. New Mexico*, 438 U.S. 696 (1978), and that Solicitor Krulitz was wrong in his analysis that the entire yield of the source was reserved.

⁷¹ See, Solicitor's Opinion, M-36914 (Supp. II), 90 I.D. 81, Feb. 16, 1983.

In 1998, the Supreme Court of Idaho held that PWR 107 provided a valid reservation of water rights by the federal government for the limited purpose of stockwatering by permittees under the Taylor Grazing Act.⁷² The court noted that when the Executive Order of 1926 was transmitted to President Coolidge by the Secretary on April 17, 1926, it was accompanied by a letter that recited that the control of water in the semi-arid regions of the west possibly meant control of millions of surrounding acres, and that in view of the pending bill to authorize the leasing of grazing land upon the unreserved public domain,⁷³ it was believed important to retain title to and supervision of such springs and water holes as had not already been appropriated. In the Idaho case, the United States asserted that the purpose of PWR 107 was to reserve water for public use and appropriation as a source for permittees under the Taylor Grazing Act.

The court found that the United States had persuasively argued that such a reservation of stockwater was needed to ensure the perpetual use of water for stockwatering purposes by whichever member of the public happened at any time to have the grazing permit for the lands containing the relevant springs and water holes. The United States argued that if the water was available for private appropriation individuals could monopolize the water rights for their permanent exclusive use, thereby precluding stockwatering access to those holding the grazing permits.⁷⁴

The United States has argued previously that the purpose of a PWR 107 reserved right claim for human and animal consumption includes general public watering purposes and wildlife. It also asserts that the initial regulations concerning PWR 107 indicated that the Executive Order withdraws those springs and waterholes capable of providing enough water for general use for watering purposes and implied federal reserved water rights include future uses as well as past and current uses⁷⁵ and that these future uses include wildlife that relies on these sources of water. In support of this argument, the BLM indicates that the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1701, 1712, directed the BLM to manage the public lands for multiple uses, not merely livestock.

⁷² *United States v. Idaho*, 959 P.2d 449 (Idaho 1998).

⁷³ This legislation later became known as the Taylor Grazing Act.

⁷⁴ *United States v. Idaho*, 959 P.2d at 452-453.

⁷⁵ *Arizona v. California*, 373 U.S. 546, 600-601 (1963).

The Federal Land Policy and Management Act provides that it is the policy of the United States that “management of [public lands] be on the basis of multiple use and sustained yield” and that the “public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use.”⁷⁶ The BLM did not claim a reserved right under the Federal Land Policy and Management Act, its claims are for PWR 107 reserved rights. The Acting State Engineer finds while the Federal Land Policy and Management Act consolidated and articulated BLM management responsibilities and describes how the federal lands are to be managed, it does not provide for any land withdrawals. The claims at issue here are from land withdrawals pursuant to the Executive Order 107, dated April 17, 1926. The Acting State Engineer finds the Federal Land Policy and Management Act did not broaden the purposes for which public water reserves land had been previously withdrawn and finds that there is nothing to support that Congress intended to expand the reserved rights claimed by the United States under a PWR 107 implied reserved water rights claim for “future” uses to include wildlife. The reserved rights doctrine must be narrowly construed, *see Denver I*, 656 P.2d at 26. As previously, noted, where Congress has expressly addressed the question of whether federal entities must abide by state water law, it has almost invariably deferred to the state law. Where water is necessary to fulfill the very purposes for which a federal reservation was created, it is reasonable to conclude, even in the face of Congress' express deference to state water law in other areas, that the United States intended to reserve the necessary water. Where water is only valuable for a secondary use of the reservation, in this case wildlife, there arises the contrary inference that Congress intended, consistent with its other views, that the United States would acquire water in the same manner as any other public or private appropriator.⁷⁷

⁷⁶ Federal Land Policy and Management Act of 1976 as amended, Declaration of Policy Sec. 102 (7) and (8). 43 U.S.C. 1701(a).

⁷⁷ *United States v. New Mexico*, 438 U.S. 696, 57 L.Ed.2d 1052, 1058, 98 S.Ct. 3012 (1978).

A very similar argument was raised by the United States Forest Service (USFS) in the case of *United States v. New Mexico*, 438 U.S. 696, 57 L.Ed.2d 1052, 98 S.Ct. 3012 (1978). In that case, the USFS argued that under the Multiple-Use Sustained-Yield Act of 1960 it was the policy of Congress that the national forests were established and administered for multiple purposes that included outdoor recreation, range, timber, watershed, and wildlife and fish purposes and that these purposes were supplemental to the purposes for which the national forests were established.⁷⁸ However, the United States Supreme Court held that while the Multiple-Use Sustained-Yield Act of 1960 was intended to broaden the purposes for which national forests had been previously administered, it did not agree that Congress intended to expand the reserved rights of the United States.

While some courts and Nevada have recognized that a PWR 107 implied federal reserved water right might exist on a certain source, the Acting State Engineer is not aware of any state or court published decision (other than a ruling issued by the Nevada State Engineer) that has established the parameters for determining the validity of such a claim. The Acting State Engineer finds those parameters need to be established in order to determine the validity of the claims.

The Acting State Engineer finds that the purpose for which PWR 107 lands were reserved was relatively narrow and specific, which was to assure that no person could monopolize or control a large territory by locating as a homestead the only available water supply for stock in that vicinity and for the general public purposes of human and domestic animal (stock) consumption. The Acting State Engineer finds that pursuant to the land withdrawal the government intended to reserve water, water is necessary to accomplish the purpose of the reservation, and without water, the purpose of the reservation would be entirely defeated. The Acting State Engineer finds there is an implied federal reserved water right for the purpose of general public use in accordance with the Stock-Raising Homestead Act, which is for human and domestic animal (stock) consumption by those who are authorized permittees to be running stock in the area under permits granted pursuant to the Taylor Grazing Act. The Acting State Engineer finds there was no intent to reserve water for wildlife purposes and stockwatering does not

⁷⁸ *United States v. New Mexico*, 438 U.S. 696, 57 L.Ed.2d 1052, 1065, 98 S.Ct. 3012 (1978).

include deer, antelope, wild horses or burros. *See South Fork Band v. U.S. Dept. of Interior*, 643 F.Supp.2d 1192 (D. Nev. 2009)

The Supreme Court of Colorado,⁷⁹ after emphasizing the "primary purpose" test of *United States v. New Mexico*,⁸⁰ considered that the reserving documents could fairly be read to only reserve water for "animal and human consumption."⁸¹ Bearing in mind the anti-monopoly purpose of the reservation, it is appropriate to limit animals to domestic livestock. Nowhere in the reserving documents does there appear Congressional or Presidential concern for reserving water for wildlife under PWR 107. Accordingly, the Acting State Engineer finds that the prescribed narrow reading of those documents would exclude wildlife as a purpose of the reservation and the purposes for which water was impliedly reserved under PWR 107 are limited to human consumption and stockwatering (domestic animal consumption).

In 1979, Solicitor Krulitz defined that for purposes of the Executive Order of April 17, 1926, the term "spring" means a discrete natural flow of water emerging from the earth at a reasonably distinct location whether or not such flow constitutes a source of or is tributary to a water course, pond or other body of surface water.⁸² The term "water hole" meant a dip or hole in the earth's surface where surface or groundwater collects and which may serve as a watering place for man or animals, and that PWR 107 withdrawals do not withdraw artificially developed sources of water or man-made structures. Solicitor Krulitz found that the Executive Order applied only to "important springs" that existed as of that date on vacant, unappropriated, unreserved public lands and have a priority date of April 17, 1926.⁸³ Solicitor Krulitz determined that the reservation was not to be construed as applying to or reserving from homestead or other entry lands having small springs or water holes affording only enough water

⁷⁹ *United States v. City and County of Denver*, 656 P.2d 1, 34-35 (Colo. 1982).

⁸⁰ 438 U.S. 696 (1978).

⁸¹ *United States v. City and County of Denver*, 656 P.2d 1, 31 (Colo. 1982).

⁸² *See* Summary of the Effect of the 1926 Order, Solicitor's Opinion, M-36914, 86 I.D. 533, June 25, 1979 ("Krulitz").

⁸³ The Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1702, *et seq.* (1980), repealed authority to create new withdrawals under the Pickett Act and SRHA effective October 21, 1976, but left withdrawals then existing in place. Therefore, springs or water holes that had come into existence after October 21, 1976, cannot be withdrawn under the April 17, 1926, Executive Order. *See* Krulitz, 86 I.D. at 588.

for the use of one family and its domestic animals, that it withdraws only those sources capable of providing enough water for general use for watering purposes.

In order to determine whether the spring or water hole is important, the Acting State Engineer draws on Solicitor Krulitz who was of the opinion that it only withdrew those springs that afford only enough water for the use of one family and its domestic animals; thus, it is a source capable of providing enough water for general use for watering purposes. The former State Engineers analyzed this question and had previously held that if a spring source is not capable of producing at least 2.0 afa (the quantity of water the Nevada legislature has determined is necessary to supply one domestic unit) it cannot qualify as a public water reserve source. The Department of the Interior Regulations, as noted by the Colorado Supreme Court in *U.S. v. City and County of Denver*, which recognized the limited domestic drinking and stockwatering purposes of the 1926 reservation codified in 43 C.F.R. § 2311.0-3(a)(2) (1980), indicates that the Executive Order of April 17, 1926, was not designed to be construed as applying to or reserving from homestead or other entry lands having small springs or water holes affording only enough water for the use of one family and its domestic animals. It withdraws those springs and water holes capable of providing enough water for general use for watering purposes.

The Acting State Engineer finds the minimum quantity determined for Nevada is in accordance with how the First Assistant Secretary of the Interior interpreted it at the time. The issue that a spring needed to flow a minimal quantity before it would be considered as a possible PWR 107 source was addressed in State Engineer's Ruling No. 5729,⁸⁴ and the Acting State Engineer adopts and incorporates that analysis in this adjudication. In order to determine if a spring is important it must first be determined if the source flows a quantity greater than that needed for a single family and its domestic animals.

What constitutes only enough water for one family and its domestic animals? The chief of the Division of water rights in California's Department of Public Works posed this question to the commissioner of the GLO soon after Public Water Reserve No. 107's issuance. In a response endorsed by First Assistant SOI Finney, Commissioner William Spry stated:

As made clear by Circular 1066, the withdrawal is not intended to affect 'lands having small springs or water-holes affording only enough water for the use of one

⁸⁴ State Engineer's Ruling 5729, dated April 27, 2007, official records in the Office of the State Engineer.

family and its domestic animals’ It may be said, further, that the withdrawal is not intended to affect springs and water-holes which are manifestly not used or needed presently or in the future for public watering purposes. But as these questions are matters of fact, to be determined, each upon its own merits, it follows that no fixed rule may be set as to the minimum amount of water necessary to except them from the operation of the withdrawal order It is probable, however, that in most cases, the amount of water, in gallons, necessary for a family and its domestic animals, would be based largely, if not entirely upon the rules adopted by the various States within which the waters occur. [Footnote omitted.]⁸⁵ (Emphasis added.)

Nevada State Engineer Morros held that a public water reserve claim does not operate on sources of water that flow under a minimum threshold of 1,800 gallons per day, as this is the quantity determined under Nevada water law as being sufficient for a single family and its domestic animals (a domestic unit).⁸⁶ In the Monitor Valley Adjudication,⁸⁷ Nevada State Engineer Turnipseed referenced State Engineer Morros’ decision, but determined that the quantification 1,800 gpd is not a requirement to qualify as a PWR 107. However, he did not establish a minimum flow that a spring source must have to qualify as a PWR 107, but it could not be a seep or wet spot. The Acting State Engineer finds a minimum quantity of flow is a reasonable starting place to analyze if a spring source might qualify as a PWR 107 implied reserved water right.

In addressing the question as to how much water would be needed by a single family and its domestic animals in State Engineer’s Ruling 5729, the State Engineer found that one needs to place the question relative to the time the executive order was created and found that to survive in the wilds of Nevada in 1926, the average family probably consisted of 5 to 7 members. These people would need drinking water, bathing, cooking and cleaning water. They would have most likely had several horses, several cows, chickens and possibly other domestic animals. They would have had to have a garden of perhaps an acre or so and that garden would have needed a flow of water sufficient to grow crops within the average four month growing season in Nevada. In some areas of the State, they would have had to have some type of meadow or pasture irrigated for cutting hay for

⁸⁵ *THE STATE OF THE LAW: Public Water Reserves: The Metamorphosis of a Public Land Policy*, 21 J. Land Resources & Envtl. L. 67, 118 (2001).

⁸⁶ State Engineer’s Ruling 3219, dated July 26, 1985, official records in the Office of the State Engineer. The Acting State Engineer notes this has been superseded by statute since that time.

⁸⁷ *Order of Determination, In the Matter of the Determination of the Relative Rights in and to the waters of Monitor Valley – Southern Part (140-B), Nye County, Nevada.*

the domestic animals to survive the winter and that would require a quantity of flow sufficient to irrigate said pasture in the same approximate four month growing season. Such a spring would require a substantial flow. The State Engineer found in Ruling No. 5729 that this summary supports State Engineer Morros' determination that the source had to flow in excess of 1,800 gallons per day (2.02 acre-feet per year), at a minimum, which was the statutory amount at that time established for a single-family dwelling and its domestic animals under Nevada water law. The Acting State Engineer finds the current statutory standard of 2.0 acre-feet annually⁸⁸ is the standard by which he will address spring flows.

Specific PWR Claims Determined to be Valid by the Acting State Engineer

Claim of Public Water Reserve R-11253 was filed on August 1, 2017, by the BLM to divert 0.00374 cfs of water from an Unnamed Spring (POD within the NW¼ SW¼ of Section 33, T.22N., R.18E., M.D.B.&M.) via the natural channel and spring area to water 100 cattle, other types of wildlife and domestic use from January 1 through December 31. There are no other claims or permits filed on this source. In the BLM's Additional Information on PWR 107 Claims filed on August 1, 2017, the BLM filed a spreadsheet titled "PWR Claims Meta DATA - COLD SPRINGS VALLEY, BASIN 100," which is a compilation of field sheet information concerning water quantity and quality collected on April 17 and 18 of 2017.

For Proof of Appropriation R-11253, the spreadsheet indicates that the spring flow is perennial and was measured at 1.679 gpm on April 18, 2017. This equates to a flow rate of 0.0037 cfs, 2.71 afa, and 2,417 gallons per day (gpd) if the water is available on a year-round basis. The PWR 107 spreadsheet indicates that the land on which the source is located was not acquired after April 17, 1926, the source is not artificially developed, that the source is important because it is needed for public watering purposes, is of utility and benefit to the public in that it is readily accessible, and the availability of the spring as a public water reserve would enhance the area for livestock grazing. There are no other water right claims on this source.

The Acting State Engineer finds the evidence indicates the spring has a discrete natural flow, the daily flow is in excess of 1,800 gpd and the claim will serve human consumption and stockwatering purposes. The Acting State Engineer determines that a PWR 107 implied reserved

⁸⁸ NRS § 534.180.

water right will be recognized on this source for human consumption and stockwatering purposes.

Claim of Public Water Reserve R-11254 was filed on August 1, 2017, by the BLM to divert 0.0031 cfs of water from Mud Spring (POD within the NW¼ NE¼ of Section 21, T.22N., R.18E., M.D.B.&M.) via the natural channel and spring area to water 100 cattle, other types of wildlife and domestic use from January 1 through December 31. There are no other claims or permits filed on this source. In the BLM's Additional Information on PWR 107 Claims filed on August 1, 2017, the BLM filed a spreadsheet titled "PWR Claims Meta DATA COLD - SPRINGS VALLEY, BASIN 100," which is a compilation of field sheet information concerning water quantity and quality collected on April 17 and 18 of 2017.

For Proof of Appropriation R-11253, the spreadsheet indicates that the spring flow is perennial and was visually estimated at 1 gpm on April 17, 2017. This equates to a flow rate of 0.0022 cfs, 1.61 afa, and 1,440 gpd if the water is available on a year-round basis. The PWR 107 spreadsheet indicates that the land on which the source is located was not acquired after April 17, 1926, the source is not artificially developed, that the source is important because it is needed for public watering purposes, is of utility and benefit to the public in that it is readily accessible, and the availability of the spring as a public water reserve would enhance the area for livestock grazing. There are no other water right claims on this source.

The Acting State Engineer finds the evidence indicates the spring has a discrete natural flow and the claim will serve human consumption and stockwatering purposes. However, the daily flow as measured on April 17, 2017, was not in excess of 1,800 gpd, but rather 1,440 gpd. The Acting State Engineer also recognizes that the Cold Spring Valley has been classified as being in Severe, Extreme and Exceptional Drought conditions⁸⁹ for the previous four years and precipitation was at or below average for the ten years prior to the drought declarations. The Acting State Engineer determines that a PWR 107 implied reserved water right will be recognized on this source for human consumption and stockwatering purposes.

Claim of Public Water Reserve R-11255 was filed on August 1, 2017, by the BLM to divert 0.0031 cfs of water from No Name Spring (POD within the SW¼ SW¼ of Section 22,

⁸⁹ United States Drought Monitor, The National Drought Mitigation Center, University of Nebraska-Lincoln.

T.22N., R.18E., M.D.B.&M.) via the natural channel and spring area to water 100 cattle, other types of wildlife and domestic use from January 1 through December 31. There are no other claims or permits filed on this source. In the BLM's Additional Information on PWR 107 Claims filed on August 1, 2017, the BLM filed a spreadsheet titled "PWR Claims Meta DATA - COLD SPRINGS VALLEY, BASIN 100," which is a compilation of field sheet information concerning water quantity and quality collected on April 17 and 18 of 2017.

For Proof of Appropriation R-11253, the spreadsheet indicates that the spring flow is perennial and was visually estimated at 1 gpm on April 17, 2017. This equates to a flow rate of 0.0022 cfs, 1.61 afa, and 1,440 gpd if the water is available on a year-round basis. The PWR 107 spreadsheet indicates that the land on which the source is located was not acquired after April 17, 1926, the source is not artificially developed, that the source is important because it is needed for public watering purposes, is of utility and benefit to the public in that it is readily accessible, and the availability of the spring as a public water reserve would enhance the area for livestock grazing. There are no other water right claims on this source.

The Acting State Engineer finds the evidence indicates the spring has a discrete natural flow and the claim will serve human consumption and stockwatering purposes. However, the daily flow as measured on April 17, 2017, was not in excess of 1,800 gpd, but rather 1,440 gpm. The Acting State Engineer also recognizes that the Cold Spring Valley has been classified as being in Severe, Extreme and Exceptional Drought conditions⁹⁰ for the previous four years and precipitation was at or below average for the ten years prior to the drought declarations. The Acting State Engineer determines that a PWR 107 implied reserved water right will be recognized on this source for human consumption and stockwatering purposes.

VII. PERMITS AND CERTIFICATED WATER RIGHTS AND SUBSEQUENT CHANGES IN THE POINT OF DIVERSION, MANNER AND PLACE OF USE

There are many permitted and certificated water rights for surface water sources within the area encompassed by this adjudication proceeding. These appropriations were acquired pursuant to statutory procedure found at NRS § 533.324, *et seq.* These permits and certificates

⁹⁰ *Id.*

are not part of this adjudication and are provided solely for background information only. The limit and extent of these existing permitted and certificated water rights along with pending applications are described in detail in Appendices B and C.

All water rights established under this adjudication shall be appurtenant to the place of use designated herein, pursuant to NRS § 533.040. Any water user desiring to change the point of diversion, manner of use or place of use of the water rights established herein must make application to the State Engineer for permission to make a change pursuant to NRS §§ 533.325 and 533.345.

The amount of water under a proposed change application shall not exceed the amount of water available at the source for beneficial use. For streams or springs without sufficient data to accurately represent actual runoff characteristics and volumes, the State Engineer may require additional information prior to the approval or denial of any change application. The amount of water allowed to be changed shall not exceed the duty of water as decreed under the terms and conditions of this adjudication proceeding, and may be limited to the consumptive use.

The filing of any application to change the point of diversion, place of use and/or manner of use of all or a portion of the total duty of water granted to the pre-statutory claims that are subject to this adjudication shall be reevaluated with regard to the duty of water the source is capable of producing prior to being approved by the State Engineer. The volume of water allowed to be changed shall be commensurate with the natural flow rate of the stream(s) and/or spring source(s) and shall be limited by the terms set forth in the preceding paragraph.

Existing permitted and certificated rights that are superseded by vested claims are subject to being voided upon finalization of the decree. Voiding of existing permitted or certificated rights is subject to the State Engineer's determination that the permit or certificate to be redundant to a decreed water right.

VIII. ENTRY TO INVESTIGATE AND RETENTION OF JURISDICTION

The State Engineer or authorized personnel shall have the right to enter the premises of any owner or proprietor where any stream, spring or well mentioned in this Preliminary Order of Determination is situated at any reasonable hour of the day for the purposes of investigating and

carryig out the duties required for the administration of this Order as set forth in NRS §§ 533.0247 and 534.130.

Once decreed, the Acting State Engineer requests the Court expressly reserve jurisdiction over all matters that are the subject of this adjudication.

IX. RIGHTS OF APPROPRIATORS

The proofs of water rights determined to be valid in the following Appendix A are determined by the Acting State Engineer to be valid in this Preliminary Order of Determination. Appendix B (Permitted and Certificated Rights) and Appendix C (Applications to Appropriate and Change) are not part of this adjudication but are included for the reader's convenience.

APPENDIX A

TABLE OF RELATIVE RIGHTS DETERMINED TO BE VALID

CLAIMS OF VESTED RIGHT

Irrigation

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-09101	HEINZ HOLDCO, LLC	UNDERGROUND WELL	NW¼NW¼, SECTION 33, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE E¼ CORNER OF SECTION 32, T.21N., R.18E. BEARS S.25°25'4"W., A DISTANCE OF 2,087.12 FEET.	MARCH 1 TO OCTOBER 15	IRRIGATION 1924	0.02	3.5	8.33* AFS
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE			
NW	NW	33	T.21N.	R.18E.	HAR	2.38		
TOTAL ACREAGE						2.38		
* TOTAL COMBINED DUTY FROM ALL SOURCES. WATER IS SUPPLEMENTAL TO CLAIM V-09105. STOCKWATER AND DOMESTIC USES ALLOWED FROM JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR. ψ HAR = HARVEST. MEAD = MEADOW. DP = DIVERSIFIED PASTURE								

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-09102	HEINZ HOLDCO, LLC	UNDERGROUND WELL	SW¼NW¼, SEC.33, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE E¼ CORNER OF SECTION 32, T.21N., R.18E. BEARS S.23°49'29"W., A DISTANCE OF 944.85 FEET.	MARCH 1 TO OCTOBER 15	IRRIGATION 1924	2.5	4.53 0.75	756.63† AFS
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE			
NE	NE	32	T.21N.	R.18E.	HAR	27.66		
SE	NE	32	T.21N.	R.18E.	HAR	17.69		
NE	NW	33	T.21N.	R.18E.	HAR	8.44		
NE	NW	33	T.21N.	R.18E.	HAR	6.49*		
NW	NW	33	T.21N.	R.18E.	HAR	20.74		
NW	NW	33	T.21N.	R.18E.	HAR	9.95*		
SE	NW	33	T.21N.	R.18E.	HAR	34.33		
SW	NW	33	T.21N.	R.18E.	HAR	39.92		
TOTAL HARVEST ACREAGE						165.22		
SE	SW	28	T.21N.	R.18E.	DP	8.86		
SW	SW	28	T.21N.	R.18E.	DP	1.90		
NE	NW	33	T.21N.	R.18E.	DP	0.15*		
TOTAL DIVERSIFIED PASTURE ACREAGE						10.91		
TOTAL ACREAGE						176.13		
† TOTAL COMBINED DUTY FROM ALL SOURCES. WATER IS SUPPLEMENTAL TO SURFACE WATER VESTED CLAIMS AND PERMIT 3100. STOCKWATER AND DOMESTIC USE ALLOWED JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR. * ACREAGE ALONG NDOT RIGHT OF WAY WATERS PARTIALLY SUPPLEMENTAL TO ACREAGES UNDER STATUTORY PERMIT NO. 3100 (CERTIFICATE NO. 1987) AND CLAIMED UNDER V-09102 THROUGH V-09104, V-09106 THROUGH V-09108, V-11207 THROUGH V-11209 AND V-11217 THROUGH V-11220. DUTY IS 4.53 AF PER ACRE. WATERS PARTIALLY SUPPLEMENTAL TO ACREAGE CLAIMED UNDER V-09102 THROUGH V-09104, V-09106 THROUGH V-09108, V-11207 THROUGH V-11209 AND V-11217 THROUGH V-11220. DUTY IS 0.75 AF PER ACRE. DUTY FOR HARVEST IS 4.53 ACRE-FOOT/ACRE DUTY FOR DIVERSIFIED PASTURE (DP) IS 0.75 ACRE-FOOT/ACRE. ψ HAR = HARVEST. MEAD = MEADOW. DP = DIVERSIFIED PASTURE								

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-09103	HEINZ HOLDCO, LLC	UNDERGROUND WELL	NE 1/4 SE 1/4, SECTION 32, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE E 1/4 CORNER OF SAID SECTION 32 BEARS N.60°21'16"E., A DISTANCE OF 299.4 FEET.	MARCH 1 TO OCTOBER 15	IRRIGATION 1924	2.5	4.53 0.75	1099.10± AFS
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE			
NE	NE	32	T.21N.	R.18E.	HAR	27.66		
SE	NE	32	T.21N.	R.18E.	HAR	17.69		
NE	SE	32	T.21N.	R.18E.	HAR	17.63		
NE	NW	33	T.21N.	R.18E.	HAR	8.44		
NE	NW	33	T.21N.	R.18E.	HAR	6.49*		
NW	NW	33	T.21N.	R.18E.	HAR	20.74		
NW	NW	33	T.21N.	R.18E.	HAR	9.95*		
SW	NW	33	T.21N.	R.18E.	HAR	39.92		
SE	NW	33	T.21N.	R.18E.	HAR	34.33		
NE	SW	33	T.21N.	R.18E.	HAR	17.93		
NW	SW	33	T.21N.	R.18E.	HAR	40.04		
TOTAL HARVEST ACREAGE						240.82		
SE	SW	28	T.21N.	R.18E.	DP	8.86		
SW	SW	28	T.21N.	R.18E.	DP	1.90		
NE	NW	33	T.21N.	R.18E.	DP	0.15		
TOTAL DIVERSIFIED PASTURE ACREAGE						10.91		
TOTAL ACREAGE						251.73		
‡ TOTAL COMBINED DUTY FROM ALL SOURCES. WATER IS SUPPLEMENTAL TO SURFACE WATER VESTED CLAIMS AND PERMIT 3100. STOCKWATER AND DOMESTIC USE ALLOWED JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR. * ACREAGE ALONG NDOT RIGHT OF WAY WATERS PARTIALLY SUPPLEMENTAL TO ACREAGES UNDER STATUTORY PERMIT NO. 3100 (CERTIFICATE NO. 1987) AND CLAIMED UNDER V-09102 THROUGH V-09104, V-09106 THROUGH V-09108, V-11207 THROUGH V-11209 AND V-11217 THROUGH V-11220. DUTY IS 4.53 AF PER ACRE. WATERS PARTIALLY SUPPLEMENTAL TO ACREAGES CLAIMED UNDER V-09102 THROUGH V-09104, V-09106 THROUGH V-09108, V-11207 THROUGH V-11209 AND V-11217 THROUGH V-11220. DUTY IS 0.75 AF PER ACRE. DUTY FOR HARVEST IS 4.53 ACRE-FOOT/ACRE. DUTY FOR DIVERSIFIED PASTURE (DP) IS 0.75 ACRE-FOOT/ACRE. † HAR = HARVEST, MEAD = MEADOW, DP = DIVERSIFIED PASTURE								

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-09104	HEINZ HOLDCO, LLC	UNDERGROUND WELL	NW 1/4 SW 1/4, SECTION 33, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE E 1/4 CORNER OF SECTION 32, T.21N., R.18E BEARS N.89°49'29"W., A DISTANCE OF 871.54 FEET.	MARCH 1 TO OCTOBER 15	IRRIGATION 1924	2.5	4.53 0.75	1099.10± AFS
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE			
NE	NE	32	T.21N.	R.18E.	HAR	27.66		
SE	NE	32	T.21N.	R.18E.	HAR	17.69		
NE	SE	32	T.21N.	R.18E.	HAR	17.63		
NE	NW	33	T.21N.	R.18E.	HAR	8.44		
NE	NW	33	T.21N.	R.18E.	HAR	6.49*		
NW	NW	33	T.21N.	R.18E.	HAR	20.74		
NW	NW	33	T.21N.	R.18E.	HAR	9.95*		
SW	NW	33	T.21N.	R.18E.	HAR	39.92		
SE	NW	33	T.21N.	R.18E.	HAR	34.33		
NE	SW	33	T.21N.	R.18E.	HAR	17.93		
NW	SW	33	T.21N.	R.18E.	HAR	40.04		
TOTAL HARVEST ACREAGE						240.82		
SE	SW	28	T.21N.	R.18E.	DP	8.86		
SW	SW	28	T.21N.	R.18E.	DP	1.90		
NE	NW	33	T.21N.	R.18E.	DP	0.15		
TOTAL DIVERSIFIED PASTURE ACREAGE						10.91		
TOTAL ACREAGE						251.73		
‡ TOTAL COMBINED DUTY FROM ALL SOURCES. WATER IS SUPPLEMENTAL TO SURFACE WATER VESTED CLAIMS AND PERMIT 3100. STOCKWATER AND DOMESTIC USE ALLOWED JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR. * ACREAGE ALONG NDOT RIGHT OF WAY WATERS PARTIALLY SUPPLEMENTAL TO ACREAGES UNDER STATUTORY PERMIT NO. 3100 (CERTIFICATE NO. 1987) AND CLAIMED UNDER V-09102 THROUGH V-09104, V-09106 THROUGH V-09108, V-11207 THROUGH V-11209 AND V-11217 THROUGH V-11220. DUTY IS 4.53 AF PER ACRE. WATERS PARTIALLY SUPPLEMENTAL TO ACREAGES CLAIMED UNDER V-09102 THROUGH V-09104, V-09106 THROUGH V-09108, V-11207 THROUGH V-11209 AND V-11217 THROUGH V-11220. DUTY IS 0.75 AF PER ACRE. DUTY FOR HARVEST IS 4.53 ACRE-FOOT/ACRE. DUTY FOR DIVERSIFIED PASTURE (DP) IS 0.75 ACRE-FOOT/ACRE. † HAR = HARVEST, MEAD = MEADOW, DP = DIVERSIFIED PASTURE								

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-09105	HEINZ HOLDCO, LLC	HEINZ SPRING NUMBER 1	NW¼SE¼, SECTION 32, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE S¼ CORNER OF SAID SECTION 32 BEARS S.3°20'W., A DISTANCE OF 1,630 FEET.	MARCH 1 TO OCTOBER 15	IRRIGATION 1867	0.02	3.5	8.33* AFS
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE			
NW	NW	33	T.21N.	R.18E.	HAR	2.38		
TOTAL ACREAGE						2.38		
* TOTAL COMBINED DUTY FROM ALL SOURCES. WATER IS SUPPLEMENTED BY CLAIM V-09101. STOCKWATER AND DOMESTIC USES ALLOWED FROM JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR. Ψ HAR = HARVEST, MEAD = MEADOW, DP = DIVERSIFIED PASTURE								

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-09106	HEINZ HOLDCO, LLC	WALTZ CANYON CREEK & TRIBUTARIES	SW¼SE¼, SECTION 5, T.20N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NW CORNER OF SAID SECTION 5 BEARS N.30°3'W., A DISTANCE OF 5,799 FEET.	MARCH 1 TO OCTOBER 15	IRRIGATION 1867	0.34	3.0 0.75	179.10† AFS
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE			
NE	SW	5	T.20N.	R.18E.	MEAD	3.60		
SE	SW	5	T.20N.	R.18E.	MEAD	0.20		
NE	NW	33	T.21N.	R.18E.	MEAD	5.50		
NW	NW	33	T.21N.	R.18E.	MEAD	5.20		
SE	NW	33	T.21N.	R.18E.	MEAD	11.90		
SW	NW	33	T.21N.	R.18E.	MEAD	22.40		
NE	SW	33	T.21N.	R.18E.	MEAD	0.70		
NW	SW	33	T.21N.	R.18E.	MEAD	4.20		
TOTAL MEADOW ACREAGE						53.70		
‡ TOTAL COMBINED DUTY FROM ALL SOURCES. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIM V-11208 ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09107, V-09108, V-11207 THROUGH V-11209 AND V-11217 THROUGH V-11220. DUTY FOR MEADOW IS 3.0 ACRE-FOOT/ACRE. DUTY FOR DIVERSIFIED PASTURE (DP) IS 0.75 ACRE-FOOT/ACRE. STOCKWATER AND DOMESTIC USE ALLOWED JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR. PORTIONS OF THIS CLAIM ARE IRRIGATED WITH SUPPLEMENTAL GROUNDWATER FROM VESTED CLAIMS V-09102 THROUGH V-09104. Ψ HAR = HARVEST, MEAD = MEADOW, DP = DIVERSIFIED PASTURE								
SE	SW	28	T.21N.	R.18E.	DP	5.60		
SW	SW	28	T.21N.	R.18E.	DP	1.90		
NE	NW	33	T.21N.	R.18E.	DP	7.00*		
NE	NW	33	T.21N.	R.18E.	DP	5.10		
NW	NW	33	T.21N.	R.18E.	DP	3.20*		
NW	NW	33	T.21N.	R.18E.	DP	1.20		
TOTAL DIVERSIFIED PASTURE ACREAGE						24.00		
TOTAL ACREAGE						77.70		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-09107	HEINZ HOLDCO, LLC	UNNAMED STREAM	NW¼NW¼, SECTION 4, T.20N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NW CORNER OF SAID SECTION 4, BEARS N.34°00'W., A DISTANCE OF 600 FEET.	MARCH 1 TO OCTOBER 15	IRRIGATION 1867	0.55	3.0 0.75	297.60± AFS
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE	DP		
NE	NW	33	T.21N.	R.18E.	MEAD	5.50	‡ TOTAL COMBINED DUTY FROM ALL SOURCES.	
NW	NW	33	T.21N.	R.18E.	MEAD	5.20	* ACREAGE ALONG NDOT RIGHT OF WAY	
SE	NW	33	T.21N.	R.18E.	MEAD	11.90		
SW	NW	33	T.21N.	R.18E.	MEAD	22.40	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106, V-09108, V-11207 THROUGH V-11209 AND V-11217 THROUGH V-11220.	
NE	SW	33	T.21N.	R.18E.	MEAD	1.00		
NE	SW	33	T.21N.	R.18E.	MEAD	0.70		
NW	SW	33	T.21N.	R.18E.	MEAD	4.20	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09108 AND V-11218 THROUGH V-11220.	
NW	SW	33	T.21N.	R.18E.	MEAD	29.40		
SW	SW	33	T.21N.	R.18E.	MEAD	12.90		
TOTAL MEADOW ACREAGE						93.20	DUTY FOR MEADOW IS 3.0 ACRE-FOOT/ACRE. DUTY FOR DIVERSIFIED PASTURE (DP) IS 0.75 ACRE-FOOT/ACRE.	
SE	SW	28	T.21N.	R.18E.	DP	5.60		
SW	SW	28	T.21N.	R.18E.	DP	1.90	STOCKWATER AND DOMESTIC USE ALLOWED JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR.	
NE	NW	33	T.21N.	R.18E.	DP	7.00*		
NE	NW	33	T.21N.	R.18E.	DP	5.10	PORTIONS OF THIS CLAIM ARE IRRIGATED WITH SUPPLEMENTAL GROUNDWATER FROM VESTED CLAIMS V-09102 THROUGH V-09104.	
NW	NW	33	T.21N.	R.18E.	DP	3.20*		
NW	NW	33	T.21N.	R.18E.	DP	1.20		
TOTAL DIVERSIFIED PASTURE ACREAGE						24.00	ψ HAR = HARVEST, MEAD = MEADOW, DP = DIVERSIFIED PASTURE	
TOTAL ACREAGE						117.20		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-09108	HEINZ HOLDCO, LLC	JONES CREEK	SE¼NE¼, SECTION 5, T.20N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N.26°00'54"E., A DISTANCE OF 1,477.63 FEET.	MARCH 1 TO OCTOBER 15	IRRIGATION 1867	0.55	3.0 0.75	297.60± AFS
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE	DP		
NE	NW	33	T.21N.	R.18E.	MEAD	5.50	‡ TOTAL COMBINED DUTY FROM ALL SOURCES.	
NW	NW	33	T.21N.	R.18E.	MEAD	5.20	* ACREAGE ALONG NDOT RIGHT OF WAY	
SE	NW	33	T.21N.	R.18E.	MEAD	11.90		
SW	NW	33	T.21N.	R.18E.	MEAD	22.40	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106, V-09107, V-11207 THROUGH V-11209 AND V-11217 THROUGH V-11220.	
NE	SW	33	T.21N.	R.18E.	MEAD	1.00		
NE	SW	33	T.21N.	R.18E.	MEAD	0.70		
NW	SW	33	T.21N.	R.18E.	MEAD	4.20	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09107 AND V-11218 THROUGH V-11220.	
NW	SW	33	T.21N.	R.18E.	MEAD	29.40		
SW	SW	33	T.21N.	R.18E.	MEAD	12.90		
TOTAL MEADOW ACREAGE						93.20	DUTY FOR MEADOW IS 3.0 ACRE-FOOT/ACRE. DUTY FOR DIVERSIFIED PASTURE (DP) IS 0.75 ACRE-FOOT/ACRE.	
SE	SW	28	T.21N.	R.18E.	DP	5.60		
SW	SW	28	T.21N.	R.18E.	DP	1.90	STOCKWATER AND DOMESTIC USE ALLOWED JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR.	
NE	NW	33	T.21N.	R.18E.	DP	7.00*		
NE	NW	33	T.21N.	R.18E.	DP	5.10	PORTIONS OF THIS CLAIM ARE IRRIGATED WITH SUPPLEMENTAL GROUNDWATER FROM VESTED CLAIMS V-09102 THROUGH V-09104.	
NW	NW	33	T.21N.	R.18E.	DP	3.20*		
NW	NW	33	T.21N.	R.18E.	DP	1.20		
TOTAL DIVERSIFIED PASTURE ACREAGE						24.00	ψ HAR = HARVEST, MEAD = MEADOW, DP = DIVERSIFIED PASTURE	
TOTAL ACREAGE						117.20		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-11207	HEINZ HOLDCO, LLC	UNNAMED SPRING	NE 1/4 SW 1/4, SECTION 5, T.20N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N.40°19'5"E., A DISTANCE OF 4,459.65 FEET.	MARCH 1 TO OCTOBER 15	IRRIGATION 1867	0.31	3.0 0.75	167.70+ AFS
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE#		‡ TOTAL COMBINED DUTY FROM ALL SOURCES. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106 THROUGH V-09108, V-11208, V-11209 AND V-11217 THROUGH V-11220. DUTY FOR MEADOW IS 3.0 ACRE-FOOT/ACRE. DUTY FOR DIVERSIFIED PASTURE (DP) IS 0.75 ACRE-FOOT/ACRE. STOCKWATER AND DOMESTIC USE ALLOWED JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR. PORTIONS OF THIS CLAIM ARE IRRIGATED WITH SUPPLEMENTAL GROUNDWATER FROM VESTED CLAIMS V-09102 THROUGH V-09104. † HAR = HARVEST, MEAD = MEADOW, DP = DIVERSIFIED PASTURE	
NE	NW	33	T.20N.	R.18E.	MEAD	5.50		
NW	NW	33	T.21N.	R.18E.	MEAD	5.20		
SE	NW	33	T.21N.	R.18E.	MEAD	11.90		
SW	NW	33	T.21N.	R.18E.	MEAD	22.40		
NE	SW	33	T.21N.	R.18E.	MEAD	0.70		
NW	SW	33	T.21N.	R.18E.	MEAD	4.20		
TOTAL MEADOW ACREAGE						49.90		
SE	SW	28	T.21N.	R.18E.	DP	5.60		
SW	SW	28	T.21N.	R.18E.	DP	1.90		
NE	NW	33	T.21N.	R.18E.	DP	5.10		
NE	NW	33	T.21N.	R.18E.	DP	7.00*		
NW	NW	33	T.21N.	R.18E.	DP	1.20		
NW	NW	33	T.21N.	R.18E.	DP	3.20*		
TOTAL DIVERSIFIED PASTURE ACREAGE						24.00		
TOTAL ACREAGE						73.90		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-11208	HEINZ HOLDCO, LLC	UNNAMED SPRING	NE 1/4 SW 1/4, SEC.05, T.20N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N.42°18'4"E., A DISTANCE OF 5,205.45 FEET.	MARCH 1 TO OCTOBER 15	IRRIGATION 1867	0.33	3.0 0.75	176.10+ AFS
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE#		‡ TOTAL COMBINED DUTY FROM ALL SOURCES. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIM V-09106. ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106 AND V-11217. ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09107, V-09108, V-11207, V-11209 AND V-11217 THROUGH V-11220. DUTY FOR MEADOW IS 3.0 ACRE-FOOT/ACRE. DUTY FOR DIVERSIFIED PASTURE (DP) IS 0.75 ACRE-FOOT/ACRE. STOCKWATER AND DOMESTIC USE ALLOWED JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR. PORTIONS OF THIS CLAIM ARE IRRIGATED WITH SUPPLEMENTAL GROUNDWATER FROM VESTED CLAIMS V-09102 THROUGH V-09104. † HAR = HARVEST, MEAD = MEADOW, DP = DIVERSIFIED PASTURE	
NE	SW	5	T.20N.	R.18E.	MEAD	1.90		
NE	SW	5	T.20N.	R.18E.	MEAD	0.90		
NE	NW	33	T.21N.	R.18E.	MEAD	5.50		
NW	NW	33	T.21N.	R.18E.	MEAD	5.20		
SE	NW	33	T.21N.	R.18E.	MEAD	11.90		
SW	NW	33	T.21N.	R.18E.	MEAD	22.40		
NE	SW	33	T.21N.	R.18E.	MEAD	0.70		
NW	SW	33	T.21N.	R.18E.	MEAD	4.20		
TOTAL MEADOW ACREAGE						52.70		
SE	SW	28	T.21N.	R.18E.	DP	5.60		
SW	SW	28	T.21N.	R.18E.	DP	1.90		
NE	NW	33	T.21N.	R.18E.	DP	5.10		
NE	NW	33	T.21N.	R.18E.	DP	7.00*		
NW	NW	33	T.21N.	R.18E.	DP	1.20		
NW	NW	33	T.21N.	R.18E.	DP	3.20*		
TOTAL DIVERSIFIED PASTURE ACREAGE						24.00		
TOTAL ACREAGE						76.70		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT./ACRE	TOTAL AC-FT.
V-11209	HEINZ HOLDCO, LLC	UNNAMED SPRINGPOD #10	NE 1/4 SW 1/4, SEC.05, T.20N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N.43°59'32"E., A DISTANCE OF 4,636.77 FEET.	MARCH 1 TO OCTOBER 15	IRRIGATION 1867	0.31	3.0 0.75	167.704 AFS
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		‡ TOTAL COMBINED DUTY FROM ALL SOURCES. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106 THROUGH V-09108, V-11207, V-11208 AND V-11217 THROUGH V-11220. DUTY FOR MEADOW IS 3.0 ACRE-FOOT/ACRE. DUTY FOR DIVERSIFIED PASTURE (DP) IS 0.75 ACRE-FOOT/ACRE. STOCKWATER AND DOMESTIC USE ALLOWED JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR. PORTIONS OF THIS CLAIM ARE IRRIGATED WITH SUPPLEMENTAL GROUNDWATER FROM VESTED CLAIMS V-09102 THROUGH V-09104. † HAR = HARVEST, MEAD = MEADOW, DP = DIVERSIFIED PASTURE	
NE	NW	33	T.20N.	R.18E.	MEAD	5.50		
NW	NW	33	T.21N.	R.18E.	MEAD	5.20		
SE	NW	33	T.21N.	R.18E.	MEAD	11.90		
SW	NW	33	T.21N.	R.18E.	MEAD	22.40		
NE	SW	33	T.21N.	R.18E.	MEAD	0.70		
NW	SW	33	T.21N.	R.18E.	MEAD	4.20		
TOTAL MEADOW ACREAGE						49.90		
SE	SW	28	T.21N.	R.18E.	DP	5.60		
SW	SW	28	T.21N.	R.18E.	DP	1.90		
NE	NW	33	T.21N.	R.18E.	DP	5.10	‡ TOTAL COMBINED DUTY FROM ALL SOURCES. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106 AND V-11208. ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106 THROUGH V-09108, V-11207 THROUGH V-11209 AND V-11218 THROUGH V-11220. DUTY FOR MEADOW IS 3.0 ACRE-FOOT/ACRE. DUTY FOR DIVERSIFIED PASTURE (DP) IS 0.75 ACRE-FOOT/ACRE. STOCKWATER AND DOMESTIC USE ALLOWED JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR. PORTIONS OF THIS CLAIM ARE IRRIGATED WITH SUPPLEMENTAL GROUNDWATER FROM VESTED CLAIMS V-09102 THROUGH V-09104. † HAR = HARVEST, MEAD = MEADOW, DP = DIVERSIFIED PASTURE	
NE	NW	33	T.21N.	R.18E.	DP	7.00*		
NW	NW	33	T.21N.	R.18E.	DP	1.20		
NW	NW	33	T.21N.	R.18E.	DP	3.20*		
TOTAL DIVERSIFIED PASTURE ACREAGE						24.00		
TOTAL ACREAGE						73.90		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT./ACRE	TOTAL AC-FT.
V-11217	HEINZ HOLDCO, LLC	UNNAMED SPRING	NE 1/4 SW 1/4, SEC.05, T.20N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N.46°32'28"E., A DISTANCE OF 5,321.14 FEET.	MARCH 1 TO OCTOBER 15	IRRIGATION 1867	0.32	3.0 0.75	170.404 AFS
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		‡ TOTAL COMBINED DUTY FROM ALL SOURCES. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106 AND V-11208. ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106 THROUGH V-09108, V-11207 THROUGH V-11209 AND V-11218 THROUGH V-11220. DUTY FOR MEADOW IS 3.0 ACRE-FOOT/ACRE. DUTY FOR DIVERSIFIED PASTURE (DP) IS 0.75 ACRE-FOOT/ACRE. STOCKWATER AND DOMESTIC USE ALLOWED JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR. PORTIONS OF THIS CLAIM ARE IRRIGATED WITH SUPPLEMENTAL GROUNDWATER FROM VESTED CLAIMS V-09102 THROUGH V-09104. † HAR = HARVEST, MEAD = MEADOW, DP = DIVERSIFIED PASTURE	
NE	SW	5	T.20N.	R.18E.	MEAD	0.90		
NE	NW	33	T.21N.	R.18E.	MEAD	5.50		
NW	NW	33	T.21N.	R.18E.	MEAD	5.20		
SE	NW	33	T.21N.	R.18E.	MEAD	11.90		
SW	NW	33	T.21N.	R.18E.	MEAD	22.40		
NE	SW	33	T.21N.	R.18E.	MEAD	0.70		
NW	SW	33	T.21N.	R.18E.	MEAD	4.20		
TOTAL MEADOW ACREAGE						50.80		
SE	SW	28	T.21N.	R.18E.	DP	5.60		
SW	SW	28	T.21N.	R.18E.	DP	1.90	‡ TOTAL COMBINED DUTY FROM ALL SOURCES. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106 AND V-11208. ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106 THROUGH V-09108, V-11207 THROUGH V-11209 AND V-11218 THROUGH V-11220. DUTY FOR MEADOW IS 3.0 ACRE-FOOT/ACRE. DUTY FOR DIVERSIFIED PASTURE (DP) IS 0.75 ACRE-FOOT/ACRE. STOCKWATER AND DOMESTIC USE ALLOWED JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR. PORTIONS OF THIS CLAIM ARE IRRIGATED WITH SUPPLEMENTAL GROUNDWATER FROM VESTED CLAIMS V-09102 THROUGH V-09104. † HAR = HARVEST, MEAD = MEADOW, DP = DIVERSIFIED PASTURE	
NE	NW	33	T.21N.	R.18E.	DP	5.10		
NE	NW	33	T.21N.	R.18E.	DP	7.00*		
NW	NW	33	T.21N.	R.18E.	DP	1.20		
NW	NW	33	T.21N.	R.18E.	DP	3.20*		
TOTAL DIVERSIFIED PASTURE ACREAGE						24.00		
TOTAL ACREAGE						74.80		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-11218	HEINZ HOLDCO, LLC	UNNAMED SPRING	NE¼NE¼, SECTION 5, T.20N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N.31°32'24"E, A DISTANCE OF 1,398.88 FEET.	MARCH 1 TO OCTOBER 15	IRRIGATION 1867	0.55	3.0 0.75	297.60 [‡] AFS
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE ^ψ			
NE	NW	33	T.21N.	R.18E.	MEAD	5.50	‡ TOTAL COMBINED DUTY FROM ALL SOURCES.	
NW	NW	33	T.21N.	R.18E.	MEAD	5.20		
SE	NW	33	T.21N.	R.18E.	MEAD	11.90		
SW	NW	33	T.21N.	R.18E.	MEAD	22.40	* ACREAGE ALONG NDOT RIGHT OF WAY	
NE	SW	33	T.21N.	R.18E.	MEAD	1.00		
NE	SW	33	T.21N.	R.18E.	MEAD	0.70		
NW	SW	33	T.21N.	R.18E.	MEAD	4.20	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106 THROUGH V-09108, V-11207 THROUGH V-11209 AND V-11217 THROUGH V-11220.	
NW	SW	33	T.21N.	R.18E.	MEAD	29.40		
SW	SW	33	T.21N.	R.18E.	MEAD	12.90		
TOTAL MEADOW ACREAGE						93.20	DUTY FOR MEADOW IS 3.0 ACRE-FOOT/ACRE.	
SE	SW	28	T.21N.	R.18E.	DP	5.60	DUTY FOR DIVERSIFIED PASTURE (DP) IS 0.75 ACRE-FOOT/ACRE.	
SW	SW	28	T.21N.	R.18E.	DP	1.90	STOCKWATER AND DOMESTIC USE ALLOWED JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR.	
NE	NW	33	T.21N.	R.18E.	DP	7.00*		
NE	NW	33	T.21N.	R.18E.	DP	5.10		
NW	NW	33	T.21N.	R.18E.	DP	3.20*	PORTIONS OF THIS CLAIM ARE IRRIGATED WITH SUPPLEMENTAL GROUNDWATER FROM VESTED CLAIMS V-09102 THROUGH V-09104.	
NW	NW	33	T.21N.	R.18E.	DP	1.20		
TOTAL DIVERSIFIED PASTURE ACREAGE						24.00	ψ HAR = HARVEST, MEAD = MEADOW, DP = DIVERSIFIED PASTURE	
TOTAL ACREAGE						117.20		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-11219	HEINZ HOLDCO, LLC	UNNAMED SPRING	NE¼NE¼, SECTION 5, T.20N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N.74°16'2"E, A DISTANCE OF 598.07 FEET.	MARCH 1 TO OCTOBER 15	IRRIGATION 1867	0.55	3.0 0.75	297.60 [‡] AFS
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE ^ψ			
NE	NW	33	T.21N.	R.18E.	MEAD	5.50	‡ TOTAL COMBINED DUTY FROM ALL SOURCES.	
NW	NW	33	T.21N.	R.18E.	MEAD	5.20		
SE	NW	33	T.21N.	R.18E.	MEAD	11.90		
SW	NW	33	T.21N.	R.18E.	MEAD	22.40	* ACREAGE ALONG NDOT RIGHT OF WAY	
NE	SW	33	T.21N.	R.18E.	MEAD	1.00		
NE	SW	33	T.21N.	R.18E.	MEAD	0.70		
NW	SW	33	T.21N.	R.18E.	MEAD	4.20	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106 THROUGH V-09108, V-11207 THROUGH V-11209 AND V-11217 THROUGH V-11220.	
NW	SW	33	T.21N.	R.18E.	MEAD	29.40		
SW	SW	33	T.21N.	R.18E.	MEAD	12.90		
TOTAL MEADOW ACREAGE						93.20	DUTY FOR MEADOW IS 3.0 ACRE-FOOT/ACRE.	
SE	SW	28	T.21N.	R.18E.	DP	5.60	DUTY FOR DIVERSIFIED PASTURE (DP) IS 0.75 ACRE-FOOT/ACRE.	
SW	SW	28	T.21N.	R.18E.	DP	1.90	STOCKWATER AND DOMESTIC USE ALLOWED JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR.	
NE	NW	33	T.21N.	R.18E.	DP	7.00*		
NE	NW	33	T.21N.	R.18E.	DP	5.10		
NW	NW	33	T.21N.	R.18E.	DP	3.20*	PORTIONS OF THIS CLAIM ARE IRRIGATED WITH SUPPLEMENTAL GROUNDWATER FROM VESTED CLAIMS V-09102 THROUGH V-09104.	
NW	NW	33	T.21N.	R.18E.	DP	1.20		
TOTAL DIVERSIFIED PASTURE ACREAGE						24.00	ψ HAR = HARVEST, MEAD = MEADOW, DP = DIVERSIFIED PASTURE	
TOTAL ACREAGE						117.20		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-11220	HEINZ HOLDCO, LLC	UNNAMED SPRING	SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 33, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SECTION 5, T.20N., R.18E. BEARS S.79°38'31"E. A DISTANCE OF 347.3 FEET.	MARCH 1 TO OCTOBER 15	IRRIGATION 1867	0.55	3.0 0.75	297.60 [‡] AFS
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		[‡] TOTAL COMBINED DUTY FROM ALL SOURCES. [•] ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106 THROUGH V-09108, V-11207 THROUGH V-11209 AND V-11217 THROUGH V-11220. ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09107, V-09108 AND V-11218 THROUGH V-11220. DUTY FOR MEADOW IS 3.0 ACRE-FOOT/ACRE DUTY FOR DIVERSIFIED PASTURE (DP) IS 0.75 ACRE-FOOT/ACRE. STOCKWATER AND DOMESTIC USE ALLOWED JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR. PORTIONS OF THIS CLAIM ARE IRRIGATED WITH SUPPLEMENTAL GROUNDWATER FROM VESTED CLAIMS V-09102 THROUGH V-09104. ^ψ HAR = HARVEST. MEAD = MEADOW, DP = DIVERSIFIED PASTURE	
NE	NW	33	T.21N.	R.18E.	MEAD	5.50		
NW	NW	33	T.21N.	R.18E.	MEAD	5.20		
SE	NW	33	T.21N.	R.18E.	MEAD	11.90		
SW	NW	33	T.21N.	R.18E.	MEAD	22.40		
NE	SW	33	T.21N.	R.18E.	MEAD	1.00		
NE	SW	33	T.21N.	R.18E.	MEAD	0.70		
NW	SW	33	T.21N.	R.18E.	MEAD	4.20		
NW	SW	33	T.21N.	R.18E.	MEAD	29.40		
SW	SW	33	T.21N.	R.18E.	MEAD	12.90		
TOTAL MEADOW ACREAGE						93.20		
SE	SW	28	T.21N.	R.18E.	DP	5.60		
SW	SW	28	T.21N.	R.18E.	DP	1.90		
NE	NW	33	T.21N.	R.18E.	DP	7.00 [•]		
NE	NW	33	T.21N.	R.18E.	DP	5.10		
NW	NW	33	T.21N.	R.18E.	DP	3.20 [•]		
NW	NW	33	T.21N.	R.18E.	DP	1.20		
TOTAL DIVERSIFIED PASTURE ACREAGE						24.00		
TOTAL ACREAGE						117.20		

Stockwater

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.*
V-09109	HEINZ HOLDCO, LLC	GROUND HOG SPRING	NW¼SW¼, SECTION 27, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE W¼ CORNER OF SAID SECTION 27 BEARS N.24°20'W., A DISTANCE OF 274.4 FEET.	JANUARY 1 TO DECEMBER 31	STOCK WATER 1863	0.004		2.71 AFA
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	WATER FOR THE NEEDS OF 100 CATTLE AND 20 HORSES. * TOTAL COMBINED DUTY FROM ALL SOURCES (SEE TEXT).			
NE	SE	28	T.21N.	R.18E.				
NW	SW	27	T.21N.	R.18E.				

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.*
V-09110	HEINZ HOLDCO, LLC	STOCK WATER WELL	SW¼NE¼, SECTION 33, T.21N., R.18E., M.D.M. OR AT A POINT FROM WHICH THE E¼ CORNER OF SECTION 32, T.21N., R.18E. BEARS S.83°58'30"W., A DISTANCE OF 3,325.16 FEET.	JANUARY 1 TO DECEMBER 31	STOCK WATER 1924	0.004		2.71 AFA
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	WATER FOR THE NEEDS OF 100 CATTLE AND 20 HORSES. * TOTAL COMBINED DUTY FROM ALL SOURCES (SEE TEXT).			
SW	NE	33	T.21N.	R.18E.				

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.*
V-11216	HEINZ HOLDCO, LLC	UNNAMED SPRING	NE¼SE¼, SECTION 5, T.20N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N.17°17'58"E., A DISTANCE OF 2,930.03 FEET.	JANUARY 1 TO DECEMBER 31	STOCK WATER 1861	0.004		2.71 AFA
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	WATER FOR THE NEEDS OF 100 CATTLE AND 20 HORSES. * TOTAL COMBINED DUTY FROM ALL SOURCES (SEE TEXT).			
NE	SE	5	T.20N.	R.18E.				

CLAIMS OF PUBLIC WATER RESERVE

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.*
R-11253	U.S.-BUREAU OF LAND MANAGEMENT	UNNAMED SPRING	NW¼SW¼, SECTION 33, T.22N., R.18E., M.D.B.&M.	JANUARY 1 TO DECEMBER 31	STOCK WATER APRIL 17, 1926	0.004		2.00 AFA
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	DIVERSION OF WATER TO SATISFY THE NEEDS OF 100 CATTLE AND HUMAN CONSUMPTION. * 2.00 AFA AS SET FORTH IN STATE ENGINEER'S RULING #5729 ADDRESSING PWR RIGHTS.			
NW	SW	33	T.22N.	R.18E.				

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.*
R-11254	U.S.-BUREAU OF LAND MANAGEMENT	MUD SPRING	NW¼NE¼, SECTION 21, T.22N., R.18E., M.D.B.&M.	JANUARY 1 TO DECEMBER 31	STOCK WATER APRIL 17, 1926	0.003		2.00 AFA
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	DIVERSION OF WATER TO SATISFY THE NEEDS OF 100 CATTLE AND HUMAN CONSUMPTION. * 2.00 AFA AS SET FORTH IN STATE ENGINEER'S RULING #5729 ADDRESSING PWR RIGHTS.			
NW	NE	21	T.22N.	R.18E.				

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.*
R-11255	U.S.-BUREAU OF LAND MANAGEMENT	NO NAME SPRING	SW¼SW¼, SECTION 22, T.22N., R.18E., M.D.B.&M.	JANUARY 1 TO DECEMBER 31	STOCK WATER APRIL 17, 1926	0.003		2.00 AFA
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	DIVERSION OF WATER TO SATISFY THE NEEDS OF 100 CATTLE AND HUMAN CONSUMPTION. * 2.00 AFA AS SET FORTH IN STATE ENGINEER'S RULING #5729 ADDRESSING PWR RIGHTS.			
NW	NE	22	T.22N.	R.18E.				

APPENDIX B

PERMITTED AND CERTIFICATED RIGHTS

APP NO.	CERT. NO.	PRIORITY DATE	SOURCE TYPE	SOURCE DESCRIPTION	POINT OF DIVERSION				DIV (CFS)	MOU	OWNER OF RECORD	
					QQ	Q	SEC	TWN				RNG
3100	1987	9/3/1914	STR	WET RA VINE &SPR. BRANCH	SE	NE	5	20N	18E	3.738	IRR	HEINZ HOLDCO, LLC
4762	463	12/8/1917	SPR		SE	NE	4	21N	18E	0.27	IRR	HAMILTON PROPERTIES, INC
5026	555	4/20/1918	SPR	STREIB SPRING	SW	SE	4	21N	18E	0.1	IRR	HAMILTON PROPERTIES, INC.
17309	8263	6/20/1957	SPR	UNNAMED SPRINGS	SE	SW	4	21N	18E	0.011	STK	HAMILTON PROPERTIES, INC.
20240	5650	1/10/1962	SPR	HEINZ SPRINGS #2 & 3	NW	NW	4	20N	18E	0.02	IRR	HEINZ HOLDCO, LLC
20241	5651	1/10/1962	STR	WALTZ CANYON CR & TRIBS	SW	SE	5	20N	18E	0.3	IRR	HEINZ HOLDCO, LLC
20242	5652	1/10/1962	SPR	HEINZ SPRING # 1	NW	SE	32	21N	18E	0.04	IRR	HEINZ HOLDCO, LLC
23589	8853	1/5/1967	SPR		SW	NW	21	21N	18E	0.89	IRR	JOHN ARDEN AND VIRGIE S. ARDEN
26556	8907	2/17/1972	UG		SW	SE	29	21N	18E	0.2	IRR	BACON, JACK
31321		4/13/1977	LAK	WHITE LAKE	SW	NW	21	21N	18E	3	QM	MICHAEL J. DEMARTINI AND RENATE DEMARTINI
41465	10797	6/5/1980	SPR	GROUND HOG SPRING	NW	SW	27	21N	18E	0.016	STK	HEINZ HOLDCO, LLC
59052	14627	9/25/1995	UG	TREATED EFFLUENT	NW	SW	20	21N	18E	0.01	COM	OVERBA Y, CHARLES L.
62394		8/20/1996	EFF		SW	SW	9	21N	18E	1.55	STO	WASHOE COUNTY
65038	17994	1/5/1967	UG	UIN WELL #1	NW	NW	21	21N	18E	0.15	QM	GREAT BASIN WATER COMPANY
65039		1/5/1967	UG	UIN WELL #1	NW	NW	21	21N	18E	0.75	QM	GREAT BASIN WATER COMPANY
65040		7/20/1982	UG	UIN WELL #2	NE	SW	16	21N	18E	0.75	QM	GREAT BASIN WATER COMPANY
65046	17995	6/7/1966	UG	UIN WELL #8	SE	SW	9	21N	18E	2.5	QM	GREAT BASIN WATER COMPANY
65047		7/20/1982	UG	WELL NO. 9	NW	NW	34	21N	18E	0.25	QM	GREAT BASIN WATER COMPANY

APP NO.	CERT. NO.	PRIORITY DATE	SOURCE TYPE	SOURCE DESCRIPTION	POINT OF DIVERSION					DIV (CFS)	MOU	OWNER OF RECORD
					QQ	Q	SEC	TWN	RNG			
65048		7/20/1982	UG	WELL NO. 9	NW	NW	34	21N	18E	0.25	QM	GREAT BASIN WATER COMPANY
65049		7/25/1979	UG	WELL NO. 9	NW	NW	34	21N	18E	0.1	QM	GREAT BASIN WATER COMPANY
65050		2/4/1983	UG	WELL NO. 9	NW	NW	34	21N	18E	0.1	QM	GREAT BASIN WATER COMPANY
65051		10/11/1979	UG	WELL NO. 9	NW	NW	34	21N	18E	0.03	QM	GREAT BASIN WATER COMPANY
65052		10/15/1976	UG	WELL NO. 9	NW	NW	34	21N	18E	0.03	QM	GREAT BASIN WATER COMPANY
65053		10/11/1979	UG	WELL NO. 12	NE	SE	19	21N	18E	0.044	QM	GREAT BASIN WATER COMPANY
65054		10/11/1979	UG	WELL NO. 12	NE	SE	19	21N	18E	0.03	QM	GREAT BASIN WATER COMPANY
65055		9/25/1995	UG	WELL NO. 12	NE	SE	19	21N	18E	0.057	QM	GREAT BASIN WATER COMPANY
74135		7/20/1982	UG		SE	SW	9	21N	18E	0.5	QM	GREAT BASIN WATER COMPANY
78040		2/13/2009	SPR	COLD SPRINGS	SW	NE	4	21N	18E	0.1	REC	LIFESTYLE HOMES TND LLC
78261E		4/14/2009	UG	3 PODS		LT11	19	21N	18E	0.0222	ENV	BORDERTOWN INC
78896E		9/16/2009	UG		NW	SW	20	21N	18E	0.0334	ENV	PARAMPREET INVESTMENTS LLC
85525		10/9/2015	EFF	TREATED EFFLUENT	SW	SW	9	21N	18E	10	STO	WASHOE COUNTY
85775		7/20/1982	UG	VAN DYKE WELL	SW	NE	21	21N	18E	0.745	QM	GREAT BASIN WATER COMPANY

APPENDIX C
APPLICATIONS TO APPROPRIATE OR CHANGE

APP NO.	STATUS	PRIORITY DATE	SOURCE TYPE	SOURCE DESCRIPTION	POINT OF DIVERSION				DIV (CFS)	MOU	OWNER OF RECORD	
					QQ	Q	SEC	TWN				RNG
62394S01	RFA	8/20/1996	EFF	TREATED EFFLUENT	SW	SW	9	21N	18E	0.138	CON	WASHOE COUNTY
87613	RFA	7/20/1982	UG	WELL 1	NW	NW	21	21N	18E	0.5	QM	GREAT BASIN WATER COMPANY
87614	RFA	1/1/1900	UG	WELL 1	NW	NW	21	21N	18E	1	QM	GREAT BASIN WATER COMPANY
87615	RFA	1/26/2018	UG	WELL 8 (SWEGGER WELL)	SE	SW	9	21N	18E	1.5	QM	GREAT BASIN WATER COMPANY
87265	RFP	8/15/2017	LAK	WHITE LAKE	SW	NW	21	21N	18E	8	OTH	DEMARTINI, MATTHEW
87361	RFP	1/1/1861	STR		SE	NE	5	20N	18E	2	MUN	HEINZ HOLDCO, LLC
87362	RFP	1/1/1861	STR	JONES CREEK	SE	NE	5	20N	18E	10	MUN	HEINZ HOLDCO, LLC
87363	RFP	12/31/1860	SPR	HEINZ SPRING NO. 3	SE	NE	5	20N	18E	1	MUN	HEINZ HOLDCO, LLC
87364	RFP	12/31/1860	SPR	HEINZ SPRING NO. 2	SE	NE	5	20N	18E	1	MUN	HEINZ HOLDCO, LLC
87365	RFP	1/1/1924	UG	WELL NO. 2	SE	NE	5	20N	18E	3.15	MUN	HEINZ HOLDCO, LLC
87366	RFP	12/31/1860	SPR		SE	NE	5	20N	18E	0.01	MUN	HEINZ HOLDCO, LLC
87367	RFP	12/31/1860	SPR		SE	NE	5	20N	18E	1	MUN	HEINZ HOLDCO, LLC
87368	RFP	12/31/1860	SPR		SE	NE	5	20N	18E	1	MUN	HEINZ HOLDCO, LLC
87369	RFP	12/31/1860	SPR		SE	NE	5	20N	18E	1	MUN	HEINZ HOLDCO, LLC
87370	RFP	1/1/1861	STR	WALTZ CANYON CREEK	NE	SW	5	20N	18E	10	MUN	HEINZ HOLDCO, LLC
87371	RFP	12/31/1861	SPR		NE	SW	5	20N	18E	1	MUN	HEINZ HOLDCO, LLC
87372	RFP	12/31/1860	SPR		NE	SW	5	20N	18E	1	MUN	HEINZ HOLDCO, LLC
87373	RFP	12/31/1860	SPR		NE	SW	5	20N	18E	1	MUN	HEINZ HOLDCO, LLC
87374	RFP	12/31/1860	SPR	WALTZ CANYON SPRING	NE	SW	5	20N	18E	2	MUN	HEINZ HOLDCO, LLC
87375	RFP	12/31/1860	STR	WALTZ CANYON CREEK RESERVOIR	NE	SW	5	20N	18E	10	MUN	HEINZ HOLDCO, LLC
87376	RFP	12/31/1860	SPR		NE	SW	5	20N	18E	1	MUN	HEINZ HOLDCO, LLC
87377	RFP	1/1/1860	STR	WELL #4	NE	SE	32	21N	18E	3	MUN	HEINZ HOLDCO, LLC

APP NO.	STATUS	PRIORITY DATE	SOURCE TYPE	SOURCE DESCRIPTION	POINT OF DIVERSION				DIV (CFS)	MOU	OWNER OF RECORD	
					QQ	Q	SEC	TWN				RNG
87378	RFP	12/31/1860	STR	WELL #4	NE	SE	32	21N	18E	3	MUN	HEINZ HOLDCO, LLC
87379	RFP	1/1/1861	SPR	WELL #4	NE	SE	32	21N	18E	0.5	MUN	HEINZ HOLDCO, LLC
87380	RFP	1/1/1924	UG	WELL #4	NE	SE	32	21N	18E	3.15	MUN	HEINZ HOLDCO, LLC
87381	RFP	1/1/1924	UG	WELL #4	NE	SE	32	21N	18E	0.1	MUN	HEINZ HOLDCO, LLC
87382	RFP	1/1/1861	STR		SW	NW	33	21N	18E	1.5	MUN	HEINZ HOLDCO, LLC
87383	RFP	1/1/1861	STR		SW	NW	33	21N	18E	1.5	MUN	HEINZ HOLDCO, LLC
87384	RFP	1/1/1861	STR		SW	NW	33	21N	18E	1.5	MUN	HEINZ HOLDCO, LLC
87385	RFP	12/31/1861	STR		SW	NW	33	21N	18E	1.5	MUN	HEINZ HOLDCO, LLC
87386	RFP	1/1/1924	UG	WELL NO. 5	SW	NW	33	21N	18E	3.15	MUN	HEINZ HOLDCO, LLC
87387	RFP	1/1/1924	UG	WELL NO. 5	SW	NW	33	21N	18E	0.01	MUN	HEINZ HOLDCO, LLC

APPENDIX D
STREAM FLOW DATA

NDWR Stream Flow Measurements

Date	Location			
	Middle Jones (cfs)	Lower Jones (cfs)	Middle Waltz* (cfs)	Lower Waltz (cfs)
June 28, 2017		0.106	0.106	0.131
August 8, 2017	0.040	0.015	0.076	0.106
September 14, 2017	0.035	0.002	0.098	0.070
November 2, 2017	0.088	0.057	0.098	0.070
December 27, 2017	0.115	0.123	0.123	0.098
January 30, 2018	0.125	0.141	0.106	0.106
March 12, 2018	0.211	0.244	0.151	0.350†
April 25, 2018	0.256	0.331	0.114	0.182
June 7, 2018	0.106	0.114	0.083	0.064
August 8, 2018	0.001	0.002	0.063	0.020
September 11, 2018	0.000	0.002	0.070	0.023
September 26,	0.000	0.002	0.076	0.020
November 7, 2018	0.035	0.004	0.083	0.040‡
December 27, 2018	0.033	0.063	0.106	0.029‡

Note: Lower Jones and Middle Waltz were measured at the Lumos and Associates 1.0-Foot H flume.

* Middle Jones location is downstream from the Lumos and Associates flume with measurements taken using a 90° V-Notch weir.

† Measurement of 3/12/2018 was visual estimate as the flume was overwhelmed by high flow.

‡ Lower Waltz was measured at the Lumos and Associates 0.5-Foot H flume until it was removed October 2018, subsequent measurements made with a 90° V-Notch weir at the same location on 11/7/2018 and 12/27/2018.

Lumos and Associates Stream Flow Data

Month	2016-2017					
	Lower Jones (acre-feet)	Middle Jones (acre-feet)	Upper Jones (acre-feet)	Lower Waltz (acre-feet)	Middle Waltz (acre-feet)	Upper Waltz (acre-feet)
October	0.0	1.2	1.0	0.5	2.5	3.2
November	0.2	1.5	1.1	0.5	2.7	3.4
December	6.4	6.1	1.6	3.2	4.5	2.3
January	71.0	No Record	No Record	No Record	11.0	6.2
February	192.0	No Record	No Record	No Record	15.0	9.3
March	171.0	No Record	No Record	No Record	16.0	14.0
April	129.0	No Record	No Record	No Record	14.0	12.0
May	73.0	No Record	No Record	No Record	12.0	10.0
June	21.0	No Record	No Record	>10	8.0	7.0
July	2.9	4.4	6.4	6.4	7.3	5.8
August	0.5	2.0	5.7	5.7	7.4	5.8
September	0.5	2.3	5.1	5.1	6.2	5.5
Total (acre-feet)	667.5				106.6	84.5

Notes: Data collection was continuous at the Upper Waltz and Middle Waltz flumes. Data for the Lower Jones flume was estimated from the use of unit hydrographs from the Waltz Creek data, precipitation events and frequent observations. Data is recorded in acre-feet.

Lumos and Associates Stream Flow Data

Month	2017-2018					
	Lower Jones (acre-feet)	Middle Jones (acre-feet)	Upper Jones (acre-feet)	Lower Waltz (acre-feet)	Middle Waltz (acre-feet)	Upper Waltz (acre-feet)
October	2.1	5.0	3.7	7.2	6.8	5.9
November	7.5	10.0	5.9	6.3	7.8	6.3
December	7.0	9.6	5.7	7.4	6.9	5.1
January	10.0	11.4	6.3	9.8	7.4	5.0
February	7.8	9.2	5.2	No Record	6.3	4.7
March	36.3	17.8	5.4	No Record	12.5	7.0
April	33.7	13.9	No Record	17.4	6.9	5.3
May	14.9	30.5	No Record	10.9	7.8	5.5
June	4.9	4.2	No Record	4.6	4.7	4.9
July	0.1	0.4	No Record	1.6	4.3	4.5
August	0.0	0.3	No Record	1.2	4.1	4.6
September	0.0	2.0	No Record	0.8	4.3	4.2
Total (acre-feet)	124.3	114.3			79.8	63.0

Notes: Data collection was continuous at most all flumes during the period except the Upper Jones and Lower Waltz flumes which experienced higher flows that exceeded capacity. The Upper Jones flume was washed out. Data is recorded in acre-feet.

APPENDIX E

**TABLES SHOWING THE COMINGLING AND
SUPPLEMENTAL RELATIONSHIPS OF THE SURFACE AND
UNDERGROUND WATERS AND MAPS ILLUSTRATING THE
PLACES OF USE OF CLAIMS OUTLINED IN THE TABLE OF
RELATIVE RIGHTS (APPENDIX A)**

Comingling Relationships Between Surface Waters

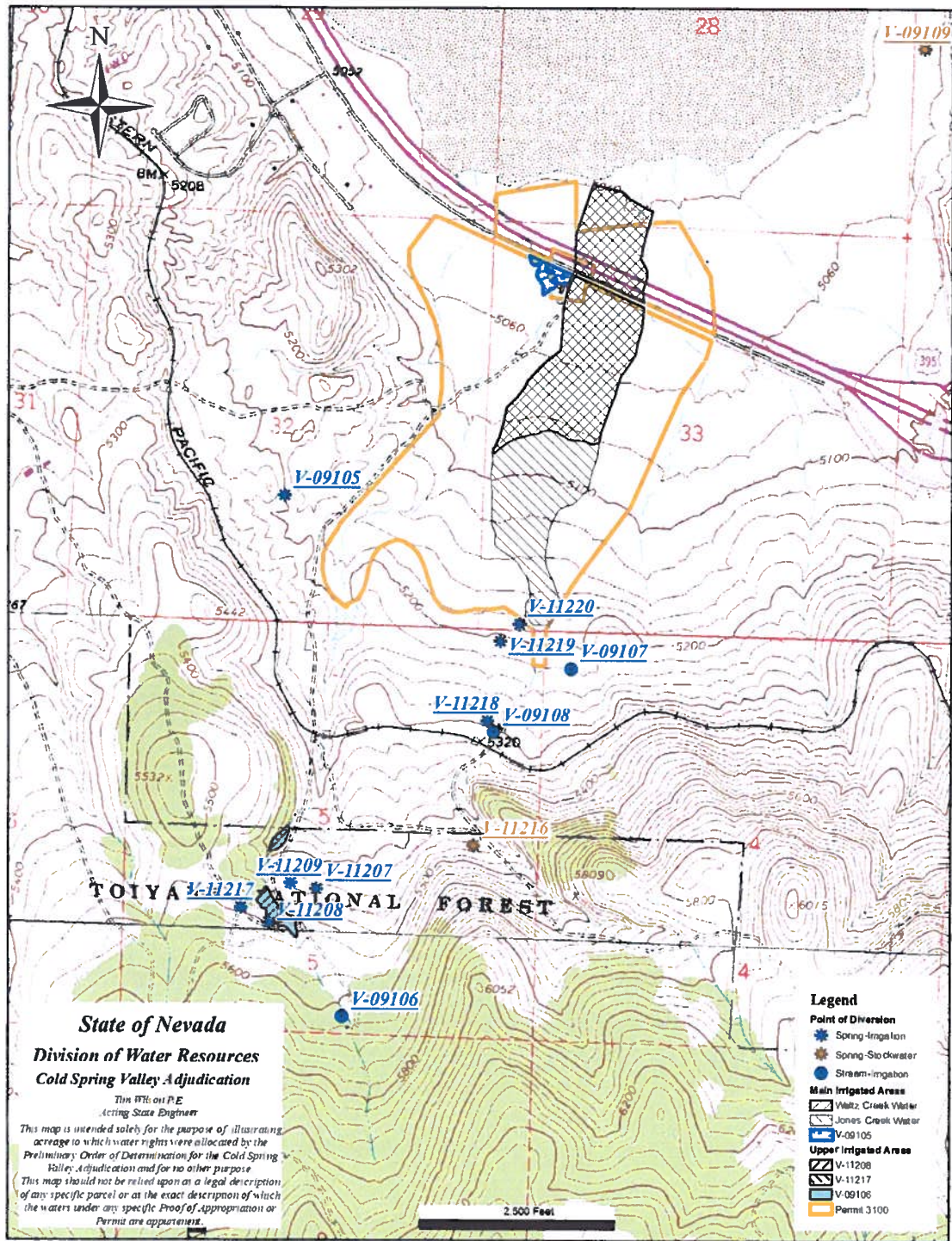
Place of Use					Proofs												
QQ	Q	Sec	Twn	Rge	Waltz Creek Waters					Jones Creek Waters						Total	Total
					Acres					Acres						Acres	Duty
					V-09105	V-09106	V-11207	V-11208	V-11209	V-11217	V-09107	V-09108	V-11218	V-11219	V-11220		
SE	SW	28	21N.	18E.		5.60	5.60	5.60	5.60	5.60	5.60	5.60	5.60	5.60	5.60	4.20	
SW	SW	28	21N.	18E.		1.90	1.90	1.90	1.90	1.90	1.90	1.90	1.90	1.90	1.90	1.43	
NE	NW	33	21N.	18E.		7.00*	7.00*	7.00*	7.00*	7.00*	7.00*	7.00*	7.00*	7.00*	7.00*	9.08	
NE	NW	33	21N.	18E.		5.10	5.10	5.10	5.10	5.10	5.10	5.10	5.10	5.10	5.10		
NW	NW	33	21N.	18E.		3.20*	3.20*	3.20*	3.20*	3.20*	3.20*	3.20*	3.20*	3.20*	3.20*	3.30	
NW	NW	33	21N.	18E.		1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20		
NE	NW	33	21N.	18E.		5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	16.50	
NW	NW	33	21N.	18E.		5.20	5.20	5.20	5.20	5.20	5.20	5.20	5.20	5.20	5.20	15.60	
SE	NW	33	21N.	18E.		11.90	11.90	11.90	11.90	11.90	11.90	11.90	11.90	11.90	11.90	35.70	
SW	NW	33	21N.	18E.		22.40	22.40	22.40	22.40	22.40	22.40	22.40	22.40	22.40	22.40	67.20	
NE	SW	33	21N.	18E.							1.00	1.00	1.00	1.00	1.00	5.10	
NE	SW	33	21N.	18E.		0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70		
NW	SW	33	21N.	18E.		4.20	4.20	4.20	4.20	4.20	4.20	4.20	4.20	4.20	4.20	100.80	
NW	SW	33	21N.	18E.							29.40	29.40	29.40	29.40	29.40		
SW	SW	33	21N.	18E.							12.90	12.90	12.90	12.90	12.90	38.70	
NW	SW	32	21N.	18E.												0.00	
NE	NE	5	20N.	18E.												0.00	
NE	SW	5	20N.	18E.													
NE	SW	5	20N.	18E.												10.80	
SE	SW	5	20N.	18E.		3.60				0.90						0.60	
SE	SW	5	20N.	18E.		0.20										0.20	
NW	NW	33	T.22N. R.18E.		2.38											2.38	
Total Acres					2.38	77.70	73.90	76.70	73.90	74.80	117.20	117.20	117.20	117.20	123.38	--	
Total Duty (a/s)					8.33	179.10	167.70	176.10	167.70	170.40	297.60	297.60	297.60	297.60	317.33	317.33	

* Acreage along the NDOT Right of Way.

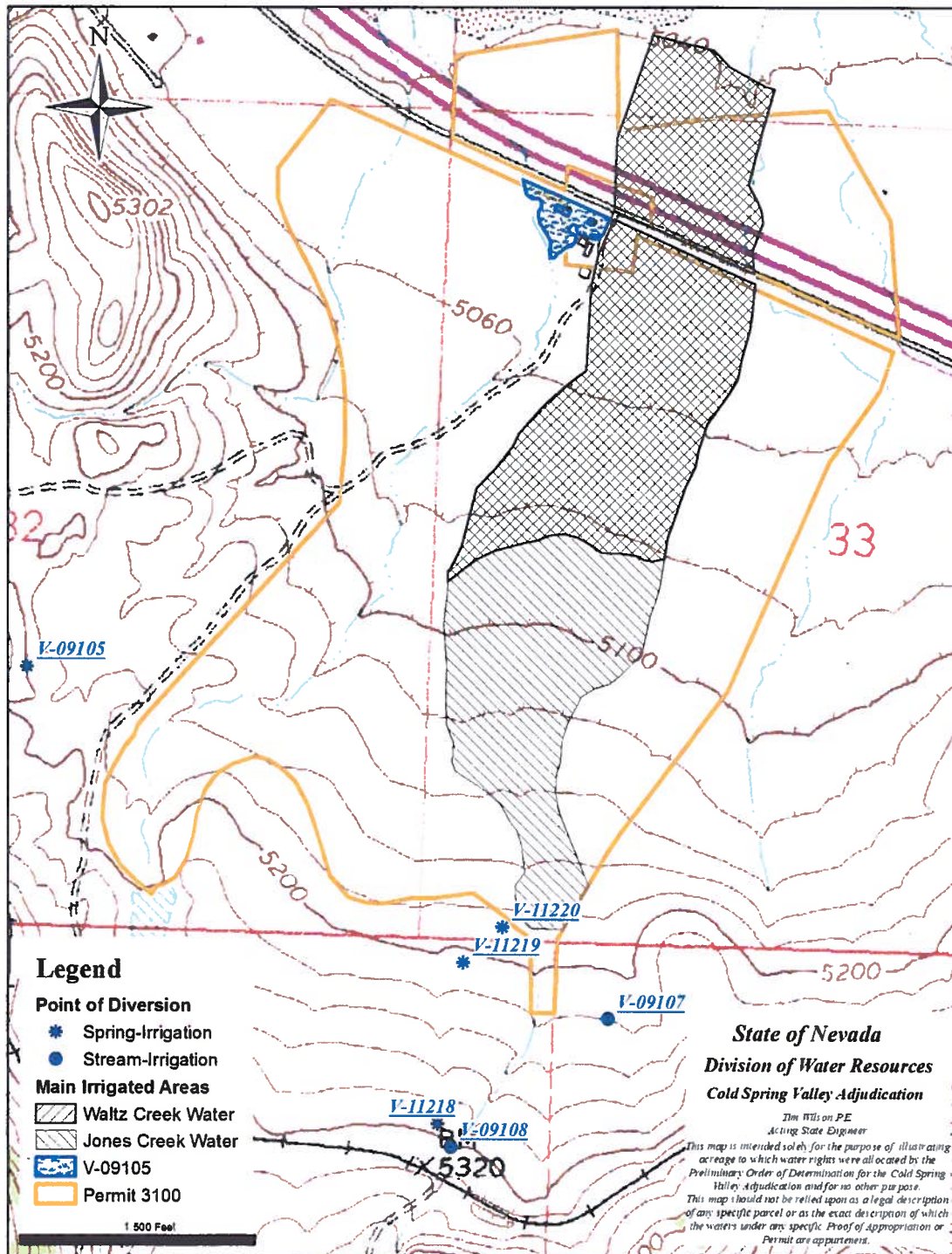
Supplemental Relationships Between Underground Waters and Permit 3100

Place of Use							Proofs				Permit								
QQ	Q	Sec	Twn	Rge	Culture Type	Duty AFS	V-09101	V-09102	V-09103	V-09104	3100								
							Acres												
NE	NE	5	20N	18E	Harvest	4.53		27.66	27.66	27.66	1.20								
NW	NE	5	20N	18E	Harvest	4.53					1.10								
NE	SW	5	20N	18E	Harvest	4.53					4.70								
NE	SE	28	21N	18E	Harvest	4.53					2.38	8.44	8.44	8.44	33.60				
SE	SE	28	21N	18E	Harvest	4.53										14.00			
NE	NE	32	21N	18E	Harvest	4.53										27.50			
SE	NE	32	21N	18E	Harvest	4.53										18.50			
NE	SE	32	21N	18E	Harvest	4.53										35.30			
SE	SE	32	21N	18E	Harvest	4.53										18.00			
SW	SE	32	21N	18E	Harvest	4.53										11.40			
NW	NE	33	21N	18E	Harvest	4.53	2.40												
NE	NW	33	21N	18E	Harvest	4.53	28.01												
NE	NW	33	21N	18E	Harvest	4.53	6.49*	6.49*	6.49*	6.49*									
NW	NW	33	21N	18E	Harvest	3.5	2.38	20.74	20.74	20.74	24.45								
NW	NW	33	21N	18E	Harvest	4.53						9.95*	9.95*	9.95*	9.95*				
SE	NW	33	21N	18E	Harvest	4.53						34.33	34.33	34.33	36.30				
SW	NW	33	21N	18E	Harvest	4.53						39.92	39.92	39.92	40.00				
NE	SW	33	21N	18E	Harvest	4.53						2.38	17.93	17.93	19.30				
NW	SW	33	21N	18E	Harvest	4.53										40.04	40.04	40.00	
SE	SW	33	21N	18E	Harvest	4.53										1.60			
SW	SW	33	21N	18E	Harvest	4.53										33.60			
SE	SW	28	21N	18E	Div. Pasture	0.75										8.86	8.86	8.86	
SW	SW	28	21N	18E	Div. Pasture	0.75										1.9	1.9	1.9	
NE	NW	33	21N	18E	Div. Pasture	0.75	0.15	0.15	0.15										
Total Acres							2.38	176.13	251.73	251.73	373.80								
Total Duty (afs)							8.33	756.63	1099.10	1099.10	1695.00								

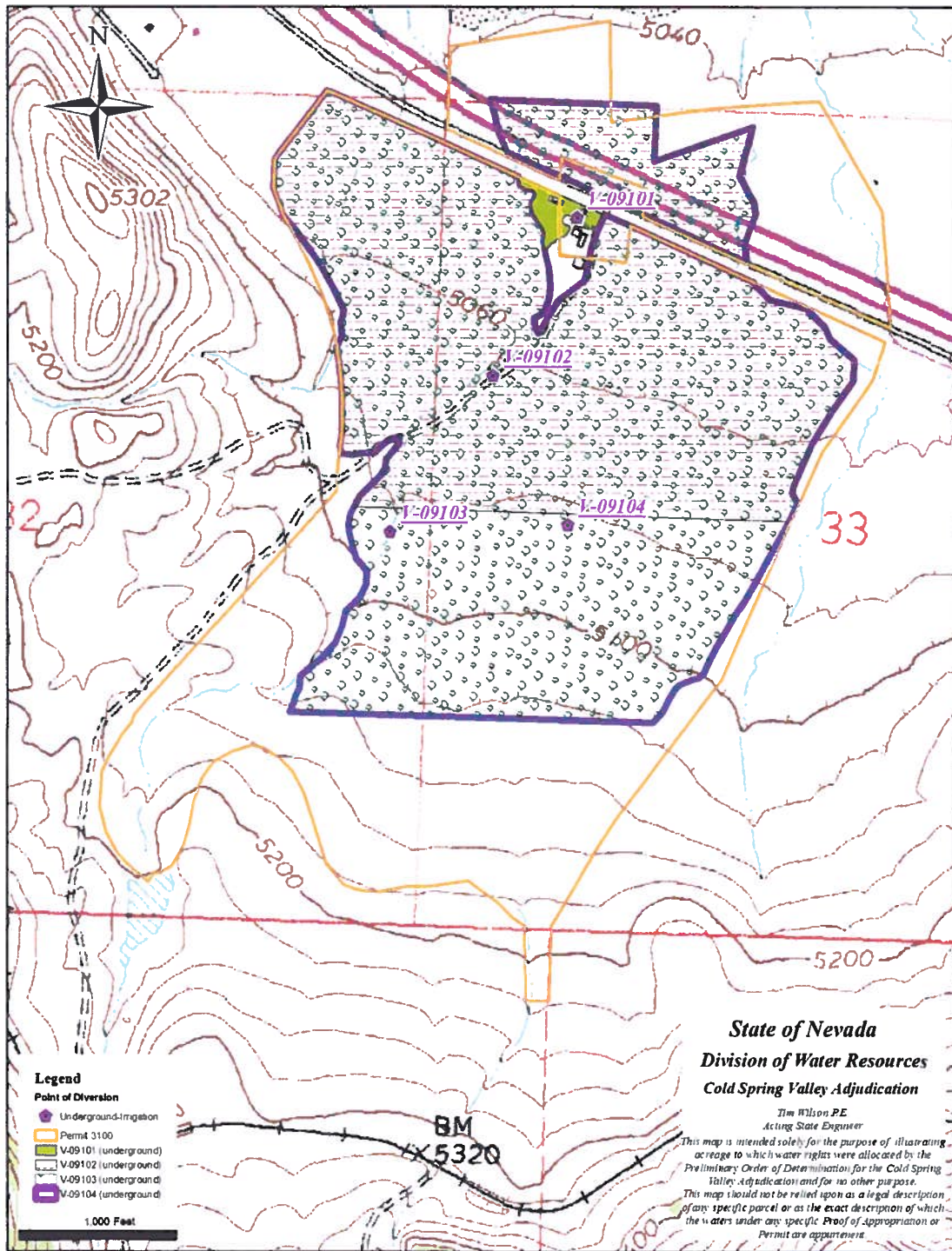
* Acreage along the NDOT Right of Way.



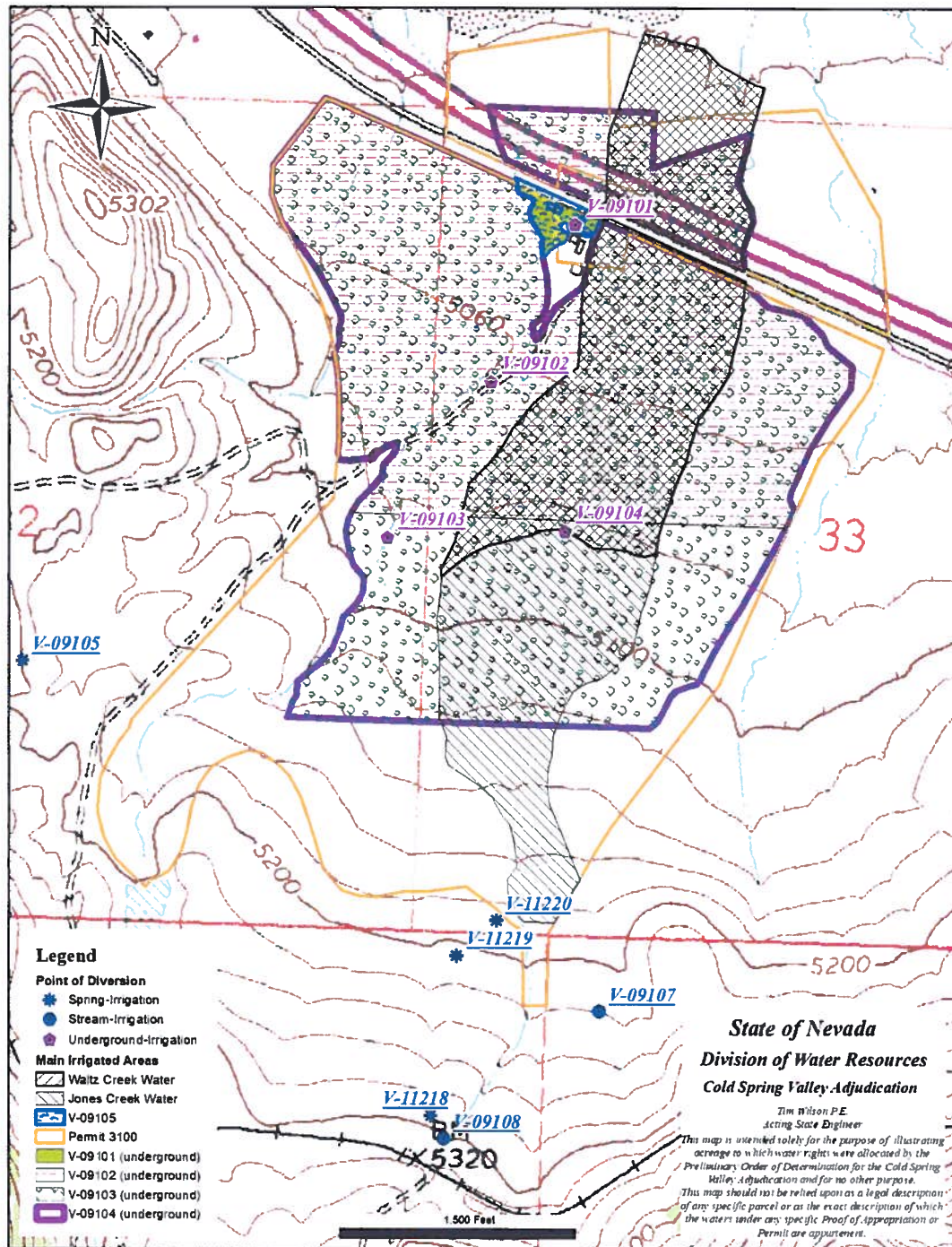
Points of diversion and places of use for proofs in the Heinz Ranch area filed by Heinz Holdco, LLC. Waltz Creek Water is composed of water from sources claimed under Proofs V-09106, V-11207, V-11208, V-11209 and V-11217. Jones Creek Water is composed of water from sources claimed under Proofs V-09107, V-09108, V-11218, V-11219 and V-11220. Water source for V-09105 is Heinz Spring #1.



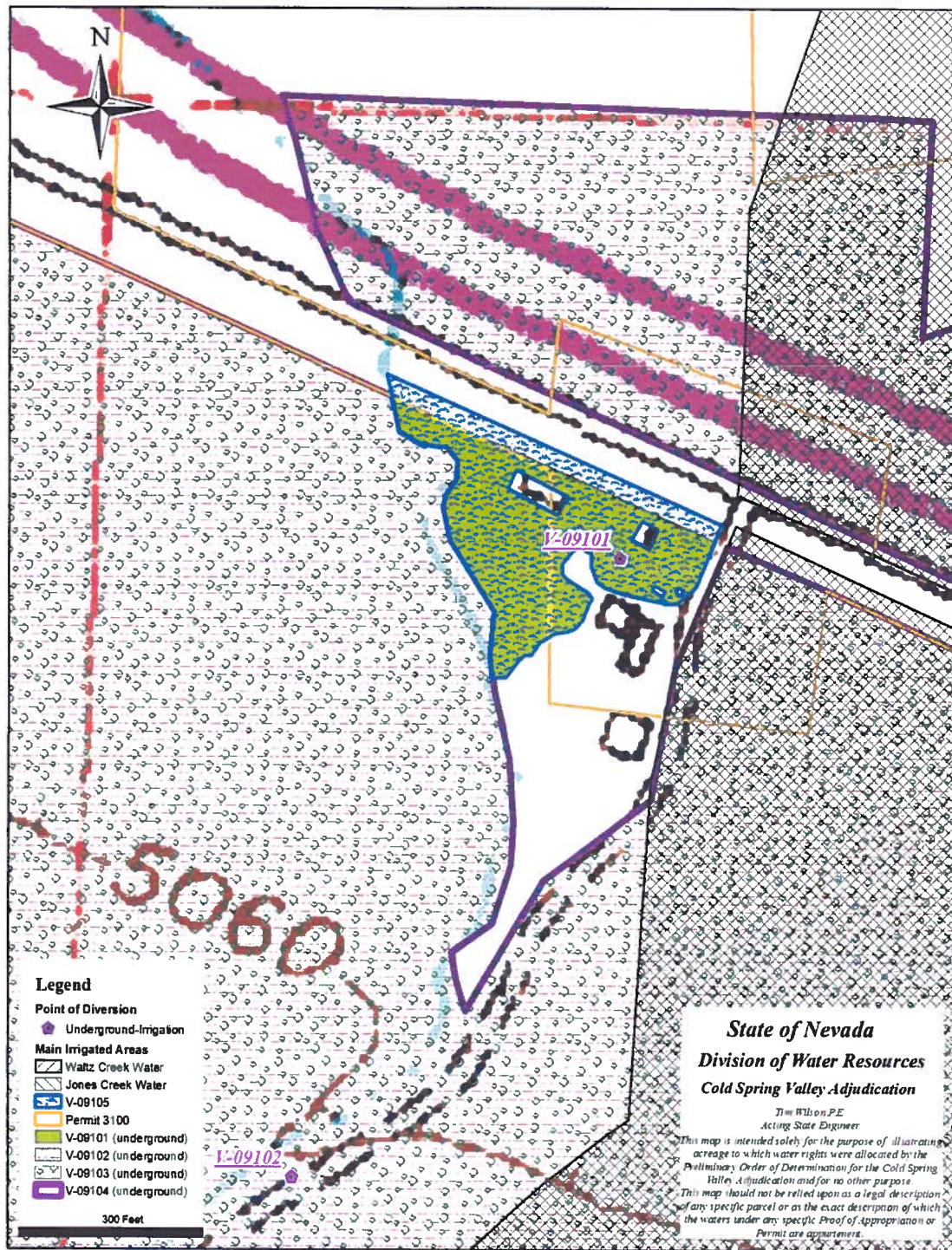
Pre-statutory surface water places of use with respect to the place of use for Permit 3100 in the main irrigated area of the Heinz Ranch. Waltz Creek Water is composed of water from sources claimed under Proofs V-09106, V-11207, V-11208, V-11209 and V-11217. Jones Creek Water is composed of water from sources claimed under Proofs V-09107, V-09108, V-11218, V-11219 and V-11220. Water source for V-09105 is Heinz Spring #1.



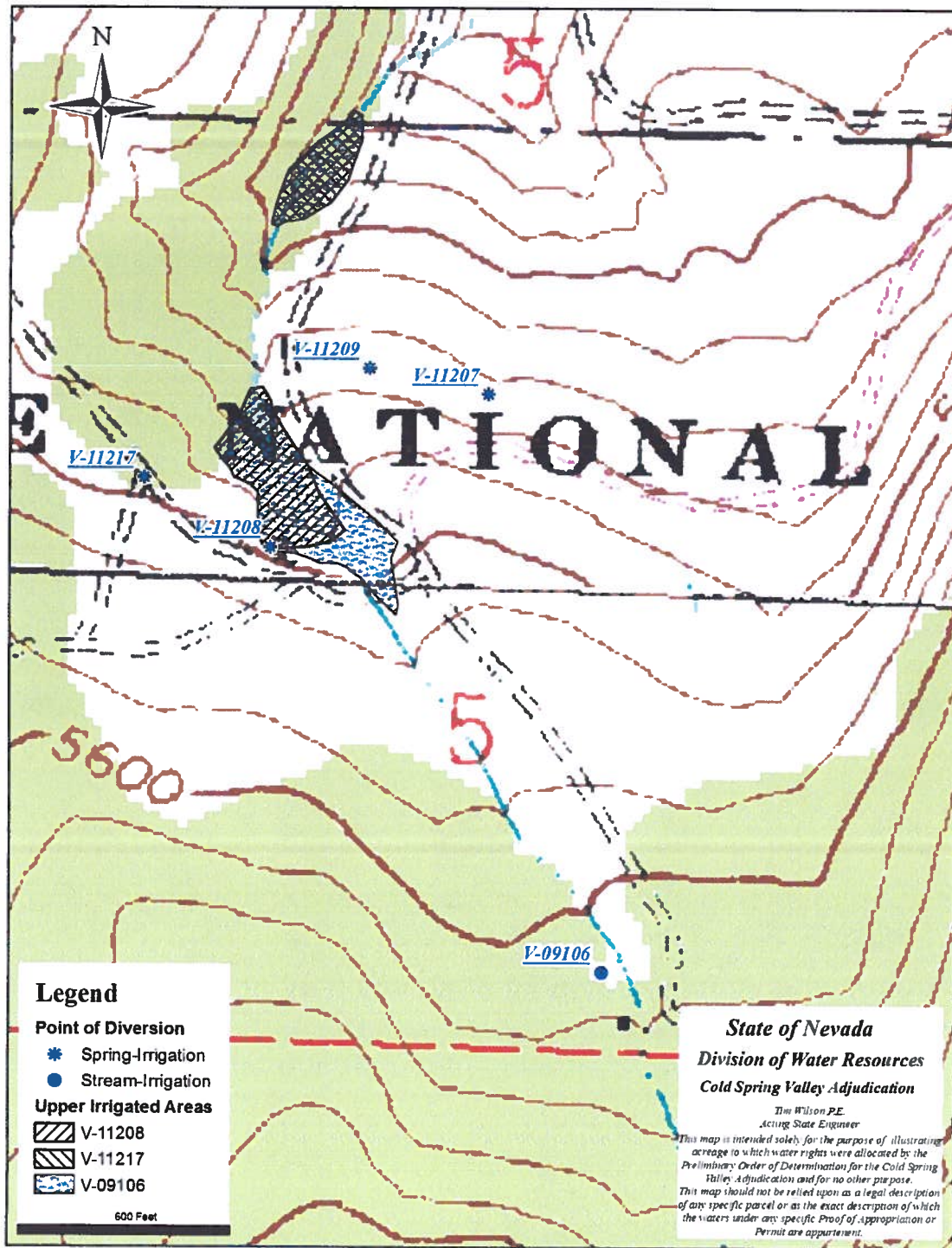
Places of use for supplemental pre-statutory underground water rights with respect to Permit 3100 in the main irrigated area of the Heinz Ranch.



Places of use for supplemental pre-Statutory underground water rights with respect to pre-statutory surface water rights and Permit 3100 in the main irrigated area of the Heinz Ranch. Waltz Creek Water is composed of water from sources claimed under Proofs V-09106, V-11207, V-11208, V-11209 and V-11217. Jones Creek Water is composed of water from sources claimed under Proofs V-09107, V-09108, V-11218, V-11219 and V-11220. Water from V-09101 is supplemental to surface water right V-09105.



Heinz Ranch headquarters area. Place of use for supplemental pre-statutory underground proof V-09101 with respect to pre-statutory surface proof V-09105 and statutory Permit 3100. Note that the places of use for supplemental pre-statutory underground proofs V-09102, V-09103 and V-09104 do not include this area.



Upper portions of the Waltz creek area showing place of use relationships. These points of diversion are the sources for the Waltz Creek waters. Waters from points of diversion V-11207 and V-11209 enter the main stream channel below places of use depicted here.

APPENDIX F
ABSTRACT OF CLAIMS

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

ABSTRACT OF CLAIMS

IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN
AND TO ALL WATERS OF COLD SPRING VALLEY, HYDROGRAPHIC
BASIN NO. 07-100, WASHOE COUNTY, NEVADA.

Tim Wilson, P.E.

TIM WILSON, P.E.
ACTING STATE ENGINEER

Dated this 27th day

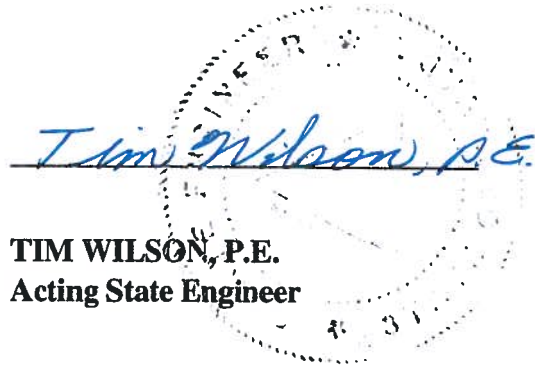
of February, 2019.



ABSTRACT OF CLAIMS

*TO THE USE OF ALL WATERS WITHIN THE DRAINAGE AREA OF COLD SPRING VALLEY,
HYDROGRAPHIC BASIN NO. 07-100, WASHOE COUNTY, NEVADA.*

Presented herewith is the Abstract of Claims of all water users claiming vested or appropriative rights to the use of all waters within the drainage area of the *Cold Spring Valley Hydrographic Basin (No. 07-100), Washoe County, Nevada*. This Abstract of Claims was prepared under the provisions of Chapter 533.140 of the Nevada Revised Statutes.


TIM WILSON, P.E.
Acting State Engineer

Made, filed, and caused to be entered of
record in the Office of the State Engineer,
this 22th day of February, 2019.

CERTIFICATION OF STATE ENGINEER

I, Tim Wilson, Acting State Engineer of Nevada, duly appointed and qualified, having charge of the records and files of the Office of the State Engineer, do hereby certify that the following is a full, complete and true copy of the Abstract of Claims of all claimed vested appropriative rights to the use of all waters in Nevada within the drainage area of the *Cold Spring Valley Hydrographic Basin (No. 07-100), Washoe County, Nevada*. This Abstract of Claims was prepared and filed in the State Engineer's Office on the 27th day of February, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Carson City, Nevada this 27th day of February, 2019.

Tim Wilson, P.E.

TIM WILSON, P.E.
Acting State Engineer

Irrigation Claims

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT/ ACRE	TOTAL AC.-FT.
V-09101	HEINZ RANCH LAND COMPANY, LLC	UNDERGROUND WELL	NW¼NW¼, SECTION 33, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE E¼ CORNER OF SECTION 32, T.21N., R.18E. BEARS S.25°25'4"W., A DISTANCE OF 2,087.12 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1924	0		
PLACE OF USE 40 ACRES DESCRIPTION		ACRES	REMARKS					
QTR- QTR	QTR	SECTION	TOWN- SHIP	RANGE	CROP TYPE		SUPPLEMENTAL WELL DRILLED FOR IRRIGATION. STOCKWATER AND DOMESTIC USE ALSO CLAIMED.	
NW	NW	33	T.22N.	R.18E.	HARVEST	2.38		
TOTAL ACREAGE						2.38		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT/ ACRE	TOTAL AC.-FT.
V-09102	HEINZ HOLDCO, LLC	UNDERGROUND WELL	SW¼NW¼, SEC.33, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE E¼ CORNER OF SECTION 32, T.21N., R.18E. BEARS S.23°49'29"W., A DISTANCE OF 944.85 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1924	0		
PLACE OF USE 40 ACRES DESCRIPTION		ACRES	REMARKS					
QTR- QTR	QTR	SECTION	TOWN- SHIP	RANGE	CROP TYPE		SUPPLEMENTAL WELL DRILLED FOR IRRIGATION. STOCKWATER AND DOMESTIC USE ALSO CLAIMED. * ACREAGE ALONG N DOT RIGHT OF WAY WATERS PARTIALLY SUPPLEMENTAL TO ACREAGES CLAIMED UNDER V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
SE	SE	29	T.21N.	R.18E.	HARVEST	0.27		
NE	NE	32	T.21N.	R.18E.	HARVEST	27.66		
SE	NE	32	T.21N.	R.18E.	HARVEST	17.69		
NE	NW	33	T.21N.	R.18E.	HARVEST	8.44		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	20.74		
NW	NW	33	T.21N.	R.18E.	HARVEST	9.95*		
SE	NW	33	T.21N.	R.18E.	HARVEST	34.33		
SW	NW	33	T.21N.	R.18E.	HARVEST	39.92		
TOTAL ACREAGE						165.49		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-09103	HEINZ HOLDCO, LLC	UNDERGROUND WELL	NE¼SE¼, SECTION 32, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE E¼ CORNER OF SAID SECTION 32, BEARS N.60°21'16"E., A DISTANCE OF 299.4 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1924	0		
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		SUPPLEMENTAL WELL DRILLED FOR IRRIGATION. STOCKWATER AND DOMESTIC USE ALSO CLAIMED. WATERS PARTIALLY SUPPLEMENTAL TO ACREAGES CLAIMED UNDER V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
NE	NE	32	T.21N.	R.18E.	HARVEST	27.5		
SE	NE	32	T.21N.	R.18E.	HARVEST	18.5		
NW	SE	32	T.21N.	R.18E.	HARVEST	3.3		
NE	SE	32	T.21N.	R.18E.	HARVEST	35.3		
NW	NW	32	T.21N.	R.18E.	HARVEST	23.78		
NE	NW	32	T.21N.	R.18E.	HARVEST	7.2		
SE	NW	32	T.21N.	R.18E.	HARVEST	36.3		
SW	NW	32	T.21N.	R.18E.	HARVEST	40		
SW	NE	32	T.21N.	R.18E.	HARVEST	1.04		
NW	SW	32	T.21N.	R.18E.	HARVEST	40		
NE	SW	32	T.21N.	R.18E.	HARVEST	19.3		
TOTAL ACREAGE						252.22		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-09104	HEINZ HOLDCO, LLC	UNDERGROUND WELL	NW¼SW¼, SECTION 33, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE E¼ CORNER OF SECTION 32, T.21N., R.18E. BEARS N.89°49'29" W., A DISTANCE OF 871.54 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1924	0		
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		SUPPLEMENTAL WELL DRILLED FOR IRRIGATION. STOCKWATER AND DOMESTIC USE ALSO CLAIMED. WATERS PARTIALLY SUPPLEMENTAL TO ACREAGES CLAIMED UNDER V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
NE	NE	32	T.21N.	R.18E.	HARVEST	27.5		
SE	NE	32	T.21N.	R.18E.	HARVEST	18.5		
NW	SE	32	T.21N.	R.18E.	HARVEST	3.3		
NE	SE	32	T.21N.	R.18E.	HARVEST	35.3		
NW	NW	33	T.21N.	R.18E.	HARVEST	23.78		
NE	NW	33	T.21N.	R.18E.	HARVEST	7.2		
SE	NW	33	T.21N.	R.18E.	HARVEST	36.3		
SW	NW	33	T.21N.	R.18E.	HARVEST	40		
SW	NE	33	T.21N.	R.18E.	HARVEST	1.04		
NW	SW	33	T.21N.	R.18E.	HARVEST	40		
NE	SW	33	T.21N.	R.18E.	HARVEST	19.3		
TOTAL ACREAGE						252.22		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-09105	HEINZ HOLDCO, LLC	HEINZ SPRING NUMBER 1	NW¼SE¼, SECTION 32, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE S¼ CORNER OF SAID SECTION 32, BEARS S.3°20'W., A DISTANCE OF 1,630 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED. SUPPLEMENTAL WATER UTILIZED IN POU FROM WELL UNDER CLAIM V-09101.	
NW	NW	33	T.21N.	R.18E.	HARVEST	2.38		
TOTAL ACREAGE						2.38		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-09106	HEINZ HOLDCO, LLC	WALTZ CANYON CREEK & TRIBUTARIES	SW 1/4 SE 1/4, SECTION 5, T.20N., R.18E., M.D.B. & M. OR AT A POINT FROM WHICH THE NW CORNER OF SAID SECTION 5, BEARS N.30°3'W., A DISTANCE OF 5,799 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE			
NE	NE	5	T.20N.	R.18E.	HARVEST	4.54	STOCKWATER AND DOMESTIC USE ALSO CLAIMED.	
SE	SE	29	T.21N.	R.18E.	HARVEST	0.27		
NE	NE	32	T.21N.	R.18E.	HARVEST	27.66	* ACREAGE ALONG NDOT RIGHT OF WAY	
SE	NE	32	T.21N.	R.18E.	HARVEST	17.69		
NE	SE	32	T.21N.	R.18E.	HARVEST	19.50	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
NW	SE	32	T.21N.	R.18E.	HARVEST	1.01		
SE	SE	32	T.21N.	R.18E.	HARVEST	22.48	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106, V-11207 THROUGH V-11209, V-11214 AND V-11217.	
SW	SE	32	T.21N.	R.18E.	HARVEST	9.93		
SW	NE	33	T.21N.	R.18E.	HARVEST	0.07		
NE	NW	33	T.21N.	R.18E.	HARVEST	8.44		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	20.74		
NW	NW	33	T.21N.	R.18E.	HARVEST	9.95*		
SE	NW	33	T.21N.	R.18E.	HARVEST	34.33		
SW	NW	33	T.21N.	R.18E.	HARVEST	39.92		
NE	SW	33	T.21N.	R.18E.	HARVEST	17.93		
NW	SW	33	T.21N.	R.18E.	HARVEST	40.04		
SE	SW	33	T.21N.	R.18E.	HARVEST	1.61		
SW	SW	33	T.21N.	R.18E.	HARVEST	36.58		
TOTAL HARVEST ACREAGE						319.18		
SW	NE	5	T.20N.	R.18E.	MEADOW	0.97		
NE	NW	5	T.20N.	R.18E.	MEADOW	0.93		
NW	SE	5	T.20N.	R.18E.	MEADOW	5.40		
NE	SW	5	T.20N.	R.18E.	MEADOW	3.64		
SE	SW	5	T.20N.	R.18E.	MEADOW	0.18		
TOTAL MEADOW ACREAGE						11.12		
SE	SW	28	T.21N.	R.18E.	D.P.	6.91		
SW	SW	28	T.21N.	R.18E.	D.P.	12.45		
SW	SW	28	T.21N.	R.18E.	D.P.	3.14*		
NW	NE	33	T.21N.	R.18E.	D.P.	0.23		
NW	NE	33	T.21N.	R.18E.	D.P.	1.63*		
SW	NE	33	T.21N.	R.18E.	D.P.	0.01*		
NE	NW	33	T.21N.	R.18E.	D.P.	12.34		
NE	NW	33	T.21N.	R.18E.	D.P.	7.62*		
NW	NW	33	T.21N.	R.18E.	D.P.	1.69*		
TOTAL DIVERSIFIED PASTURE ACREAGE						46.02		
TOTAL ACREAGE						376.32		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-09107	HEINZ HOLDCO. LLC	UNNAMED STREAM	NW¼NW¼, SECTION 4, T.20N., R.18E. M.D.B.&M. OR AT A POINT FROM WHICH THE NW CORNER OF SAID SECTION 4, BEARS N.34°00'W.. A DISTANCE OF 600 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED. * ACREAGE ALONGNDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
SE	NE	32	T.21N.	R.18E.	HARVEST	0.27		
SW	NE	33	T.21N.	R.18E.	HARVEST	0.07		
NE	NW	33	T.21N.	R.18E.	HARVEST	8.44		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	7.37		
NW	NW	33	T.21N.	R.18E.	HARVEST	9.95*		
SE	NW	33	T.21N.	R.18E.	HARVEST	34.33		
SW	NW	33	T.21N.	R.18E.	HARVEST	33.14		
NE	SW	33	T.21N.	R.18E.	HARVEST	17.93		
NW	SW	33	T.21N.	R.18E.	HARVEST	37.40		
SE	SW	33	T.21N.	R.18E.	HARVEST	1.61		
SW	SW	33	T.21N.	R.18E.	HARVEST	22.34		
TOTAL HARVEST ACREAGE						186.25		
SE	SW	28	T.21N.	R.18E.	D.P.	6.91		
SW	SW	28	T.21N.	R.18E.	D.P.	12.45		
SW	SW	28	T.21N.	R.18E.	D.P.	3.14*		
NW	NE	33	T.21N.	R.18E.	D.P.	0.23		
NW	NE	33	T.21N.	R.18E.	D.P.	1.63*		
SW	NE	33	T.21N.	R.18E.	D.P.	0.01*		
NE	NW	33	T.21N.	R.18E.	D.P.	12.34		
NE	NW	33	T.21N.	R.18E.	D.P.	7.62*		
NW	NW	33	T.21N.	R.18E.	D.P.	1.69*		
TOTAL DIVERSIFIED PASTURE ACREAGE						39.11		
TOTAL ACREAGE						225.36		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-09108	HEINZ HOLDCO, LLC	JONES CREEK	SE4NE4, SECTION 5, T.20N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N.26°00'54"E., A DISTANCE OF 1,477.63 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
NE	NE	5	T.20N.	R.18E.	HARVEST	4.54		
SE	SE	29	T.21N.	R.18E.	HARVEST	0.27		
NE	NE	32	T.21N.	R.18E.	HARVEST	27.66		
SE	NE	32	T.21N.	R.18E.	HARVEST	17.69		
NE	SE	32	T.21N.	R.18E.	HARVEST	19.5		
NW	SE	32	T.21N.	R.18E.	HARVEST	1.01		
SE	SE	32	T.21N.	R.18E.	HARVEST	22.48		
SW	SE	32	T.21N.	R.18E.	HARVEST	9.93		
SW	NE	33	T.21N.	R.18E.	HARVEST	0.07		
NE	NW	33	T.21N.	R.18E.	HARVEST	8.44		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	20.74		
NW	NW	33	T.21N.	R.18E.	HARVEST	9.95*		
SE	NW	33	T.21N.	R.18E.	HARVEST	34.33		
SW	NW	33	T.21N.	R.18E.	HARVEST	39.92		
NE	SW	33	T.21N.	R.18E.	HARVEST	17.93		
NW	SW	33	T.21N.	R.18E.	HARVEST	40.04		
SE	SW	33	T.21N.	R.18E.	HARVEST	1.61		
SW	SW	33	T.21N.	R.18E.	HARVEST	36.58		
TOTAL HARVEST ACREAGE						319.18		
NW	NE	5	T.20N.	R.18E.	MEADOW	1.85		
NE	NW	5	T.20N.	R.18E.	MEADOW	0.93		
TOTAL MEADOW ACREAGE						2.78		
SE	SW	28	T.21N.	R.18E.	D.P.	6.91		
SW	SW	28	T.21N.	R.18E.	D.P.	12.45		
SW	SW	28	T.21N.	R.18E.	D.P.	3.14*		
NW	NE	33	T.21N.	R.18E.	D.P.	0.23		
NW	NE	33	T.21N.	R.18E.	D.P.	1.63*		
SW	NE	33	T.21N.	R.18E.	D.P.	0.01*		
NE	NW	33	T.21N.	R.18E.	D.P.	12.34		
NE	NW	33	T.21N.	R.18E.	D.P.	7.62*		
NW	NW	33	T.21N.	R.18E.	D.P.	1.69*		
TOTAL DIVERSIFIED PASTURE ACREAGE						46.02		
TOTAL ACREAGE						367.98		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-11203	HEINZ HOLDCO, LLC	UNNAMED STREAM	SW¼NE¼, SECTION 33, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SECTION 5, T.20N., R.18E BEARS S.30°37'55"W., A DISTANCE OF 4,076.44 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
NE	NW	33	T.21N.	R.18E.	HARVEST	1.92		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	1.20		
NW	NW	33	T.21N.	R.18E.	HARVEST	3.04*		
TOTAL HARVEST ACREAGE						12.65		
SE	SW	28	T.21N.	R.18E.	D.P.	6.91		
SW	SW	28	T.21N.	R.18E.	D.P.	1.90		
NW	NE	33	T.21N.	R.18E.	D.P.	0.23		
NW	NE	33	T.21N.	R.18E.	D.P.	1.63*		
SW	NE	33	T.21N.	R.18E.	D.P.	0.01*		
NE	NW	33	T.21N.	R.18E.	D.P.	7.62*		
NE	NW	33	T.21N.	R.18E.	D.P.	12.34		
TOTAL DIVERSIFIED PASTURE ACREAGE						30.64		
TOTAL ACREAGE						43.29		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-11204	HEINZ HOLDCO, LLC	UNNAMED SPRING	SW¼NE¼, SECTION 33, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SECTION 5, T.20N., R.18E BEARS S.34°57'14"W., A DISTANCE OF 4,315.66 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
NE	NW	33	T.21N.	R.18E.	HARVEST	1.92		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	1.20		
NW	NW	33	T.21N.	R.18E.	HARVEST	3.04*		
TOTAL HARVEST ACREAGE						12.65		
SE	SW	28	T.21N.	R.18E.	D.P.	6.91		
SW	SW	28	T.21N.	R.18E.	D.P.	1.90		
NW	NE	33	T.21N.	R.18E.	D.P.	1.27		
NW	NE	33	T.21N.	R.18E.	D.P.	2.12*		
SW	NE	33	T.21N.	R.18E.	D.P.	0.06*		
NE	NW	33	T.21N.	R.18E.	D.P.	7.62*		
NE	NW	33	T.21N.	R.18E.	D.P.	13.41		
TOTAL DIVERSIFIED PASTURE ACREAGE						33.29		
TOTAL ACREAGE						45.94		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-11205	HEINZ HOLDCO. LLC	UNNAMED STREAM	SW¼NE¼, SECTION 33, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SECTION 5, T.20N., R.18E BEARS S.41°33'7"W., A DISTANCE OF 4,088.99 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
NE	NW	33	T.21N.	R.18E.	HARVEST	1.92		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	1.20		
NW	NW	33	T.21N.	R.18E.	HARVEST	3.04*		
TOTAL HARVEST ACREAGE						12.65		
SE	SW	28	T.21N.	R.18E.	D.P.	6.91		
SW	SW	28	T.21N.	R.18E.	D.P.	1.90		
NW	NE	33	T.21N.	R.18E.	D.P.	1.27		
NW	NE	33	T.21N.	R.18E.	D.P.	2.12*		
SW	NE	33	T.21N.	R.18E.	D.P.	0.06*		
NE	NW	33	T.21N.	R.18E.	D.P.	7.62*		
NE	NW	33	T.21N.	R.18E.	D.P.	13.41		
TOTAL DIVERSIFIED PASTURE ACREAGE						33.29		
TOTAL ACREAGE						45.94		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-11206	HEINZ HOLDCO. LLC	UNNAMED STREAM	SE¼NE¼, SECTION 33, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SECTION 5, T.20N., R.18E. BEARS S.42°26'4"W., A DISTANCE OF 5,100.89 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED. ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
SE	SW	28	T.21N.	R.18E.	D.P.	1.29		
NW	NE	33	T.21N.	R.18E.	D.P.	1.27		
NE	NW	33	T.21N.	R.18E.	D.P.	10.18		
TOTAL ACREAGE						12.74		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-11207	HEINZ HOLDCO, LLC	UNNAMED SPRING	NE 1/4 SW 1/4, SECTION 5, T.20N., R.18E., M.D.B. & M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N.40°19'5"E., A DISTANCE OF 4,459.65 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE			
NE	NE	5	T.20N.	R.18E.	HARVEST	4.54	STOCKWATER AND DOMESTIC USE ALSO CLAIMED.	
SE	SE	29	T.21N.	R.18E.	HARVEST	0.27		
NE	NE	32	T.21N.	R.18E.	HARVEST	27.66	* ACREAGE ALONG NDOT RIGHT OF WAY	
SE	NE	32	T.21N.	R.18E.	HARVEST	17.69		
NE	SE	32	T.21N.	R.18E.	HARVEST	19.50	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
NW	SE	32	T.21N.	R.18E.	HARVEST	1.01		
SE	SE	32	T.21N.	R.18E.	HARVEST	22.48	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106, V-11207 THROUGH V-11209, V-11214 AND V-11217.	
SW	SE	32	T.21N.	R.18E.	HARVEST	9.93		
SW	NE	33	T.21N.	R.18E.	HARVEST	0.07		
NE	NW	33	T.21N.	R.18E.	HARVEST	8.44		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	20.74		
NW	NW	33	T.21N.	R.18E.	HARVEST	9.95*		
SE	NW	33	T.21N.	R.18E.	HARVEST	34.33		
SW	NW	33	T.21N.	R.18E.	HARVEST	39.92		
NE	SW	33	T.21N.	R.18E.	HARVEST	17.93		
NW	SW	33	T.21N.	R.18E.	HARVEST	40.04		
SE	SW	33	T.21N.	R.18E.	HARVEST	1.61		
SW	SW	33	T.21N.	R.18E.	HARVEST	36.58		
TOTAL HARVEST ACREAGE						319.18		
NW	NE	5	T.20N.	R.18E.	MEADOW	1.85		
NE	NW	5	T.20N.	R.18E.	MEADOW	0.93		
NW	SE	5	T.20N.	R.18E.	MEADOW	3.19		
NE	SW	5	T.20N.	R.18E.	MEADOW	8.06		
TOTAL MEADOW ACREAGE						14.03		
SE	SW	28	T.21N.	R.18E.	D.P.	6.91		
SW	SW	28	T.21N.	R.18E.	D.P.	12.45		
SW	SW	28	T.21N.	R.18E.	D.P.	3.14*		
NW	NE	33	T.21N.	R.18E.	D.P.	0.23		
NW	NE	33	T.21N.	R.18E.	D.P.	1.63*		
SW	NE	33	T.21N.	R.18E.	D.P.	0.01*		
NE	NW	33	T.21N.	R.18E.	D.P.	12.34		
NE	NW	33	T.21N.	R.18E.	D.P.	7.62*		
NW	NW	33	T.21N.	R.18E.	D.P.	1.69*		
TOTAL DIVERSIFIED PASTURE ACREAGE						46.02		
TOTAL ACREAGE						379.23		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-11208	HEINZ HOLDCO, LLC	UNNAMED SPRING	NE 1/4 SW 1/4, SEC. 05, T. 20N., R. 18E., M.D.B. & M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N 42° 18' 4" E., A DISTANCE OF 5,205.45 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED.	
NE	NE	5	T. 20N.	R. 18E.	HARVEST	4.54		
SE	SE	29	T. 21N.	R. 18E.	HARVEST	0.27	* ACREAGE ALONG NDOT RIGHT OF WAY	
NE	NE	32	T. 21N.	R. 18E.	HARVEST	27.66		
SE	NE	32	T. 21N.	R. 18E.	HARVEST	17.69	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
NE	SE	32	T. 21N.	R. 18E.	HARVEST	19.50		
NW	SE	32	T. 21N.	R. 18E.	HARVEST	1.01	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106, V-11207 THROUGH V-11209, V-11214 AND V-11217.	
SE	SE	32	T. 21N.	R. 18E.	HARVEST	22.48		
SW	SE	32	T. 21N.	R. 18E.	HARVEST	9.93		
SW	NE	33	T. 21N.	R. 18E.	HARVEST	0.07		
NE	NW	33	T. 21N.	R. 18E.	HARVEST	8.44		
NE	NW	33	T. 21N.	R. 18E.	HARVEST	6.49*		
NW	NW	33	T. 21N.	R. 18E.	HARVEST	20.74		
NW	NW	33	T. 21N.	R. 18E.	HARVEST	9.95*		
SE	NW	33	T. 21N.	R. 18E.	HARVEST	34.33		
SW	NW	33	T. 21N.	R. 18E.	HARVEST	39.92		
NE	SW	33	T. 21N.	R. 18E.	HARVEST	17.93		
NW	SW	33	T. 21N.	R. 18E.	HARVEST	40.04		
SE	SW	33	T. 21N.	R. 18E.	HARVEST	1.61		
SW	SW	33	T. 21N.	R. 18E.	HARVEST	36.58		
TOTAL HARVEST ACREAGE						319.18		
NW	NE	5	T. 20N.	R. 18E.	MEADOW	1.85		
NE	NW	5	T. 20N.	R. 18E.	MEADOW	0.93		
NE	SW	5	T. 20N.	R. 18E.	MEADOW	3.05		
TOTAL MEADOW ACREAGE						5.83		
SE	SW	28	T. 21N.	R. 18E.	D.P.	6.91		
SW	SW	28	T. 21N.	R. 18E.	D.P.	12.45		
SW	SW	28	T. 21N.	R. 18E.	D.P.	3.14*		
NW	NE	33	T. 21N.	R. 18E.	D.P.	0.23		
NW	NE	33	T. 21N.	R. 18E.	D.P.	1.63*		
SW	NE	33	T. 21N.	R. 18E.	D.P.	0.01*		
NE	NW	33	T. 21N.	R. 18E.	D.P.	12.34		
NE	NW	33	T. 21N.	R. 18E.	D.P.	7.62*		
NW	NW	33	T. 21N.	R. 18E.	D.P.	1.69*		
TOTAL DIVERSIFIED PASTURE ACREAGE						46.02		
TOTAL ACREAGE						371.03		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-11209	HEINZ HOLDCO, LLC	UNNAMED SPRING POD #10	NE 4 SW 1/4, SEC. 05, T. 20N., R. 18E., M.D.B. & M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N. 43° 59' 32" E., A DISTANCE OF 4,636.77 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220. ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106, V-11207 THROUGH V-11209, V-11214 AND V-11217.	
NE	NE	5	T. 20N.	R. 18E.	HARVEST	4.54		
SE	SE	29	T. 21N.	R. 18E.	HARVEST	0.27		
NE	NE	32	T. 21N.	R. 18E.	HARVEST	27.66		
SE	NE	32	T. 21N.	R. 18E.	HARVEST	17.69		
NE	SE	32	T. 21N.	R. 18E.	HARVEST	19.50		
NW	SE	32	T. 21N.	R. 18E.	HARVEST	1.01		
SE	SE	32	T. 21N.	R. 18E.	HARVEST	22.48		
SW	SE	32	T. 21N.	R. 18E.	HARVEST	9.93		
SW	NE	33	T. 21N.	R. 18E.	HARVEST	0.07		
NE	NW	33	T. 21N.	R. 18E.	HARVEST	8.44		
NE	NW	33	T. 21N.	R. 18E.	HARVEST	6.49*		
NW	NW	33	T. 21N.	R. 18E.	HARVEST	20.74		
NW	NW	33	T. 21N.	R. 18E.	HARVEST	9.95*		
SE	NW	33	T. 21N.	R. 18E.	HARVEST	34.33		
SW	NW	33	T. 21N.	R. 18E.	HARVEST	39.92		
NE	SW	33	T. 21N.	R. 18E.	HARVEST	17.93		
NW	SW	33	T. 21N.	R. 18E.	HARVEST	40.04		
SE	SW	33	T. 21N.	R. 18E.	HARVEST	1.61		
SW	SW	33	T. 21N.	R. 18E.	HARVEST	36.58		
TOTAL HARVEST ACREAGE						319.18		
NW	NE	5	T. 20N.	R. 18E.	MEADOW	1.85		
NE	NW	5	T. 20N.	R. 18E.	MEADOW	0.93		
NW	SE	5	T. 20N.	R. 18E.	MEADOW	3.19		
NE	SW	5	T. 20N.	R. 18E.	MEADOW	8.06		
TOTAL MEADOW ACREAGE						14.03		
SE	SW	28	T. 21N.	R. 18E.	D.P.	6.91		
SW	SW	28	T. 21N.	R. 18E.	D.P.	12.45		
SW	SW	28	T. 21N.	R. 18E.	D.P.	3.14*		
NW	NE	33	T. 21N.	R. 18E.	D.P.	0.23		
NW	NE	33	T. 21N.	R. 18E.	D.P.	1.63*		
SW	NE	33	T. 21N.	R. 18E.	D.P.	0.01*		
NE	NW	33	T. 21N.	R. 18E.	D.P.	12.34		
NE	NW	33	T. 21N.	R. 18E.	D.P.	7.62*		
NW	NW	33	T. 21N.	R. 18E.	D.P.	1.69*		
TOTAL DIVERSIFIED PASTURE ACREAGE						46.02		
TOTAL ACREAGE						379.23		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-11210	HEINZ HOLDCO, LLC	UNNAMED STREAM	SE¼NE¼, SECTION 32, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SECTION 5, T.20N., R.18E. BEARS S.28°28'49"E., A DISTANCE OF 3,423.44 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861 & 1891	0		

PLACE OF USE 40 ACRE DESCRIPTION						ACRES	REMARKS
QTR- QTR	QTR	SECTION	TOWN- SHIP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED. * ACREAGE ALONGNDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220. ‡ ACREAGE HAS A PRIORITY DATE OF 1891
SE	SE	29	T.21N.	R.18E.	HARVEST	0.27	
NE	NE	32	T.21N.	R.18E.	HARVEST	27.66	
SE	NE	32	T.21N.	R.18E.	HARVEST	13.63	
NW	NW	33	T.21N.	R.18E.	HARVEST	13.95‡	
NW	NW	33	T.21N.	R.18E.	HARVEST	6.91*‡	
SW	NW	33	T.21N.	R.18E.	HARVEST	6.64‡	
TOTAL HARVEST ACREAGE						69.06	
SW	SW	28	T.21N.	R.18E.	D.P.	10.55	
SW	SW	28	T.21N.	R.18E.	D.P.	3.14*	
NW	NW	33	T.21N.	R.18E.	D.P.	1.69*‡	
TOTAL DIVERSIFIED PASTURE ACREAGE						15.38	
TOTAL ACREAGE						84.44	

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-11211	HEINZ HOLDCO, LLC	UNNAMED STREAM	SE¼NE¼, SECTION 32, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SECTION 5, T.20N., R.18E. BEARS S.25°54'5"E., A DISTANCE OF 3,733.87 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861 & 1891	0		

PLACE OF USE 40 ACRE DESCRIPTION						ACRES	REMARKS
QTR- QTR	QTR	SECTION	TOWN- SHIP	RANGE	CROP TYPE		
SE	SE	29	T.21N.	R.18E.	HARVEST	0.27	STOCKWATER AND DOMESTIC USE ALSO CLAIMED.
NE	NE	32	T.21N.	R.18E.	HARVEST	27.66	* ACREAGE ALONG NDOT RIGHT OF WAY
SE	NE	32	T.21N.	R.18E.	HARVEST	13.63	
NW	NW	33	T.21N.	R.18E.	HARVEST	13.95‡	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS
NW	NW	33	T.21N.	R.18E.	HARVEST	6.91*‡	V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.
SW	NW	33	T.21N.	R.18E.	HARVEST	6.64‡	
TOTAL HARVEST ACREAGE						69.06	‡ ACREAGE HAS A PRIORITY DATE OF 1891
SW	SW	28	T.21N.	R.18E.	D.P.	10.55	
SW	SW	28	T.21N.	R.18E.	D.P.	3.14*	
NW	NW	33	T.21N.	R.18E.	D.P.	1.69*‡	
TOTAL DIVERSIFIED PASTURE ACREAGE						15.38	
TOTAL ACREAGE						84.44	

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-11212	HEINZ HOLDCO, LLC	HEINZ SPRING NO. 3	SW¼NW¼, SECTION 4, T.20N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NW CORNER OF SAID SECTION 4, BEARS N.25°00'30"W., A DISTANCE OF 1,827 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED. * ACREAGE ALONGNDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
SE	NE	32	T.21N.	R.18E.	HARVEST	0.27		
SW	NE	33	T.21N.	R.18E.	HARVEST	0.07		
NE	NW	33	T.21N.	R.18E.	HARVEST	8.44		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	7.37		
NW	NW	33	T.21N.	R.18E.	HARVEST	9.95*		
SE	NW	33	T.21N.	R.18E.	HARVEST	34.33		
SW	NW	33	T.21N.	R.18E.	HARVEST	33.14		
NE	SW	33	T.21N.	R.18E.	HARVEST	17.93		
NW	SW	33	T.21N.	R.18E.	HARVEST	37.40		
SE	SW	33	T.21N.	R.18E.	HARVEST	1.61		
SW	SW	33	T.21N.	R.18E.	HARVEST	22.34		
TOTAL HARVEST ACREAGE:						186.25		
SE	SW	28	T.21N.	R.18E.	D.P.	6.91		
SW	SW	28	T.21N.	R.18E.	D.P.	12.45		
SW	SW	28	T.21N.	R.18E.	D.P.	3.14*		
NW	NE	33	T.21N.	R.18E.	D.P.	0.23		
NW	NE	33	T.21N.	R.18E.	D.P.	1.63*		
SW	NE	33	T.21N.	R.18E.	D.P.	0.01*		
NE	NW	33	T.21N.	R.18E.	D.P.	12.34		
NE	NW	33	T.21N.	R.18E.	D.P.	7.62*		
NW	NW	33	T.21N.	R.18E.	D.P.	1.69*		
TOTAL DIVERSIFIED PASTURE ACREAGE						39.11		
TOTAL ACREAGE						225.36		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-11213	HEINZ HOLDCO, LLC	HEINZ SPRING NO. 2	NW¼NW¼, SECTION 4, T.20N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NW CORNER OF SAID SECTION 4, BEARS N.48°00'W., A DISTANCE OF 1,100 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR- QTR	QTR	SECTION	TOWN- SHIP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
SE	NE	32	T.21N.	R.18E.	HARVEST	0.27		
SW	NE	33	T.21N.	R.18E.	HARVEST	0.07		
NE	NW	33	T.21N.	R.18E.	HARVEST	8.44		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	7.37		
NW	NW	33	T.21N.	R.18E.	HARVEST	9.95*		
SE	NW	33	T.21N.	R.18E.	HARVEST	34.33		
SW	NW	33	T.21N.	R.18E.	HARVEST	33.14		
NE	SW	33	T.21N.	R.18E.	HARVEST	17.93		
NW	SW	33	T.21N.	R.18E.	HARVEST	37.40		
SE	SW	33	T.21N.	R.18E.	HARVEST	1.61		
SW	SW	33	T.21N.	R.18E.	HARVEST	22.34		
TOTAL HARVEST ACREAGE:						186.25		
SE	SW	28	T.21N.	R.18E.	D.P.	6.91		
SW	SW	28	T.21N.	R.18E.	D.P.	12.45		
SW	SW	28	T.21N.	R.18E.	D.P.	3.14*		
NW	NE	33	T.21N.	R.18E.	D.P.	0.23		
NW	NE	33	T.21N.	R.18E.	D.P.	1.63*		
SW	NE	33	T.21N.	R.18E.	D.P.	0.01*		
NE	NW	33	T.21N.	R.18E.	D.P.	12.34		
NE	NW	33	T.21N.	R.18E.	D.P.	7.62*		
NW	NW	33	T.21N.	R.18E.	D.P.	1.69*		
TOTAL DIVERSIFIED PASTURE ACREAGE:						39.11		
TOTAL ACREAGE						225.36		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-11214	HEINZ HOLDCO, LLC	WALTZ CANYON SPRING	SW 1/4 NE 1/4, SECTION 8, T.20N., R.18E., M.D.B. & M. OR AT A POINT FROM WHICH THE NW CORNER OF SECTION 5, T.20N., R.18E. BEARS N.26°24'W., A DISTANCE OF 7,652.1 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE			
NE	NE	5	T.20N.	R.18E.	HARVEST	4.54	STOCKWATER AND DOMESTIC USE ALSO CLAIMED.	
SE	SE	29	T.21N.	R.18E.	HARVEST	0.27		
NE	NE	32	T.21N.	R.18E.	HARVEST	27.66	* ACREAGE ALONG NDOT RIGHT OF WAY	
SE	NE	32	T.21N.	R.18E.	HARVEST	17.69		
NE	SE	32	T.21N.	R.18E.	HARVEST	19.50	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
NW	SE	32	T.21N.	R.18E.	HARVEST	1.01		
SE	SE	32	T.21N.	R.18E.	HARVEST	22.48	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106, V-11207 THROUGH V-11209, V-11214 AND V-11217.	
SW	SE	32	T.21N.	R.18E.	HARVEST	9.93		
SW	NE	33	T.21N.	R.18E.	HARVEST	0.07		
NE	NW	33	T.21N.	R.18E.	HARVEST	8.44		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	20.74		
NW	NW	33	T.21N.	R.18E.	HARVEST	9.95*		
SE	NW	33	T.21N.	R.18E.	HARVEST	34.33		
SW	NW	33	T.21N.	R.18E.	HARVEST	39.92		
NE	SW	33	T.21N.	R.18E.	HARVEST	17.93		
NW	SW	33	T.21N.	R.18E.	HARVEST	40.04		
SE	SW	33	T.21N.	R.18E.	HARVEST	1.61		
SW	SW	33	T.21N.	R.18E.	HARVEST	36.58		
TOTAL HARVEST ACREAGE						319.18		
SW	NE	5	T.20N.	R.18E.	MEADOW	0.97		
NE	NW	5	T.20N.	R.18E.	MEADOW	0.93		
NW	SE	5	T.20N.	R.18E.	MEADOW	5.40		
NE	SW	5	T.20N.	R.18E.	MEADOW	3.64		
SE	SW	5	T.20N.	R.18E.	MEADOW	0.18		
TOTAL MEADOW ACREAGE						11.12		
SE	SW	28	T.21N.	R.18E.	D.P.	6.91		
SW	SW	28	T.21N.	R.18E.	D.P.	12.45		
SW	SW	28	T.21N.	R.18E.	D.P.	3.14*		
NW	NE	33	T.21N.	R.18E.	D.P.	0.23		
NW	NE	33	T.21N.	R.18E.	D.P.	1.63*		
SW	NE	33	T.21N.	R.18E.	D.P.	0.01*		
NE	NW	33	T.21N.	R.18E.	D.P.	12.34		
NE	NW	33	T.21N.	R.18E.	D.P.	7.62*		
NW	NW	33	T.21N.	R.18E.	D.P.	1.69*		
TOTAL DIVERSIFIED PASTURE ACREAGE						46.02		
TOTAL ACREAGE						376.32		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-11215	HEINZ HOLDCO, LLC	WALTZ CANYON CREEK RESERVOIR	SW¼SE¼, SECTION 32, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SECTION 5, T.20N., R.18E. BEARS S.83°29'16"E., A DISTANCE OF 2,502.15 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
NE	NE	5	T.20N.	R.18E.	HARVEST	4.54		
SE	SE	29	T.21N.	R.18E.	HARVEST	0.27		
NE	NE	32	T.21N.	R.18E.	HARVEST	27.66		
SE	NE	32	T.21N.	R.18E.	HARVEST	17.69		
NE	SE	32	T.21N.	R.18E.	HARVEST	19.50		
NW	SE	32	T.21N.	R.18E.	HARVEST	1.01		
SE	SE	32	T.21N.	R.18E.	HARVEST	22.48		
SW	SE	32	T.21N.	R.18E.	HARVEST	9.93		
SW	NE	33	T.21N.	R.18E.	HARVEST	0.07		
NE	NW	33	T.21N.	R.18E.	HARVEST	8.44		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	20.74		
NW	NW	33	T.21N.	R.18E.	HARVEST	9.95*		
SE	NW	33	T.21N.	R.18E.	HARVEST	34.33		
SW	NW	33	T.21N.	R.18E.	HARVEST	39.92		
NE	SW	33	T.21N.	R.18E.	HARVEST	17.93		
NW	SW	33	T.21N.	R.18E.	HARVEST	40.04		
SE	SW	33	T.21N.	R.18E.	HARVEST	1.61		
SW	SW	33	T.21N.	R.18E.	HARVEST	36.58		
TOTAL HARVEST ACREAGE						319.18		
SE	SW	28	T.21N.	R.18E.	D.P.	6.91		
SW	SW	28	T.21N.	R.18E.	D.P.	12.45		
SW	SW	28	T.21N.	R.18E.	D.P.	3.14*		
NW	NE	33	T.21N.	R.18E.	D.P.	0.23		
NW	NE	33	T.21N.	R.18E.	D.P.	1.63*		
SW	NE	33	T.21N.	R.18E.	D.P.	0.01*		
NE	NW	33	T.21N.	R.18E.	D.P.	12.34		
NE	NW	33	T.21N.	R.18E.	D.P.	7.62*		
NW	NW	33	T.21N.	R.18E.	D.P.	1.69*		
TOTAL DIVERSIFIED PASTURE ACREAGE						46.02		
TOTAL ACREAGE						365.20		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-11217	HEINZ HOLDCO, LLC	UNNAMED SPRING	NE&SW¼, SEC.05, T.20N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N.46°32'28" E., A DISTANCE OF 5,321.14 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220. ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09106, V-11207 THROUGH V-11209, V-11214 AND V-11217.	
NE	NE	5	T.20N.	R.18E.	HARVEST	4.54		
SE	SE	29	T.21N.	R.18E.	HARVEST	0.27		
NE	NE	32	T.21N.	R.18E.	HARVEST	27.66		
SE	NE	32	T.21N.	R.18E.	HARVEST	17.69		
NE	SE	32	T.21N.	R.18E.	HARVEST	19.50		
NW	SE	32	T.21N.	R.18E.	HARVEST	1.01		
SE	SE	32	T.21N.	R.18E.	HARVEST	22.48		
SW	SE	32	T.21N.	R.18E.	HARVEST	9.93		
SW	NE	33	T.21N.	R.18E.	HARVEST	0.07		
NE	NW	33	T.21N.	R.18E.	HARVEST	8.44		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	20.74		
NW	NW	33	T.21N.	R.18E.	HARVEST	9.95*		
SE	NW	33	T.21N.	R.18E.	HARVEST	34.33		
SW	NW	33	T.21N.	R.18E.	HARVEST	39.92		
NE	SW	33	T.21N.	R.18E.	HARVEST	17.93		
NW	SW	33	T.21N.	R.18E.	HARVEST	40.04		
SE	SW	33	T.21N.	R.18E.	HARVEST	1.61		
SW	SW	33	T.21N.	R.18E.	HARVEST	36.58		
TOTAL HARVEST ACREAGE						319.18		
NW	NE	5	T.20N.	R.18E.	MEADOW	1.85		
NE	NW	5	T.20N.	R.18E.	MEADOW	0.93		
NE	SW	5	T.20N.	R.18E.	MEADOW	3.05		
TOTAL MEADOW ACREAGE						5.83		
SE	SW	28	T.21N.	R.18E.	D.P.	6.91		
SW	SW	28	T.21N.	R.18E.	D.P.	12.45		
SW	SW	28	T.21N.	R.18E.	D.P.	3.14*		
NW	NE	33	T.21N.	R.18E.	D.P.	0.23		
NW	NE	33	T.21N.	R.18E.	D.P.	1.63*		
SW	NE	33	T.21N.	R.18E.	D.P.	0.01*		
NE	NW	33	T.21N.	R.18E.	D.P.	12.34		
NE	NW	33	T.21N.	R.18E.	D.P.	7.62*		
NW	NW	33	T.21N.	R.18E.	D.P.	1.69*		
TOTAL DIVERSIFIED PASTURE ACREAGE						46.02		
TOTAL ACREAGE						371.03		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-11218	HEINZ HOLDCO, LLC	UNNAMED SPRING	NE 1/4 NE 1/4, SECTION 5, T.20N., R.18E., M.D.B. & M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N.31°32'24"E. A DISTANCE OF 1,398.88 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
NE	NE	5	T.20N.	R.18E.	HARVEST	4.54		
SE	SE	29	T.21N.	R.18E.	HARVEST	0.27		
NE	NE	32	T.21N.	R.18E.	HARVEST	27.66		
SE	NE	32	T.21N.	R.18E.	HARVEST	17.69		
NE	SE	32	T.21N.	R.18E.	HARVEST	19.5		
NW	SE	32	T.21N.	R.18E.	HARVEST	1.01		
SE	SE	32	T.21N.	R.18E.	HARVEST	22.48		
SW	SE	32	T.21N.	R.18E.	HARVEST	9.93		
SW	NE	33	T.21N.	R.18E.	HARVEST	0.07		
NE	NW	33	T.21N.	R.18E.	HARVEST	8.44		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	20.74		
NW	NW	33	T.21N.	R.18E.	HARVEST	9.95*		
SE	NW	33	T.21N.	R.18E.	HARVEST	34.33		
SW	NW	33	T.21N.	R.18E.	HARVEST	39.92		
NE	SW	33	T.21N.	R.18E.	HARVEST	17.93		
NW	SW	33	T.21N.	R.18E.	HARVEST	40.04		
SE	SW	33	T.21N.	R.18E.	HARVEST	1.61		
SW	SW	33	T.21N.	R.18E.	HARVEST	36.58		
TOTAL HARVEST ACREAGE						319.18		
NW	NE	5	T.20N.	R.18E.	MEADOW	1.85		
NE	NW	5	T.20N.	R.18E.	MEADOW	0.93		
TOTAL MEADOW ACREAGE						2.78		
SE	SW	28	T.21N.	R.18E.	D.P.	6.91		
SW	SW	28	T.21N.	R.18E.	D.P.	12.45		
SW	SW	28	T.21N.	R.18E.	D.P.	3.14*		
NW	NE	33	T.21N.	R.18E.	D.P.	0.23		
NW	NE	33	T.21N.	R.18E.	D.P.	1.63*		
SW	NE	33	T.21N.	R.18E.	D.P.	0.01*		
NE	NW	33	T.21N.	R.18E.	D.P.	12.34		
NE	NW	33	T.21N.	R.18E.	D.P.	7.62*		
NW	NW	33	T.21N.	R.18E.	D.P.	1.69*		
TOTAL DIVERSIFIED PASTURE ACREAGE						46.02		
TOTAL ACREAGE						367.98		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-11219	HEINZ HOLDCO, LLC	UNNAMED SPRING	NE 4 NE 4, SECTION 5, T.20N., R.18E., M.D.B. & M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N.74°16'2"E., A DISTANCE OF 598.07 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE		STOCKWATER AND DOMESTIC USE ALSO CLAIMED. * ACREAGE ALONG NDOT RIGHT OF WAY ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
NE	NE	5	T.20N.	R.18E.	HARVEST	4.54		
SE	SE	29	T.21N.	R.18E.	HARVEST	0.27		
NE	NE	32	T.21N.	R.18E.	HARVEST	27.66		
SE	NE	32	T.21N.	R.18E.	HARVEST	17.69		
NE	SE	32	T.21N.	R.18E.	HARVEST	19.5		
NW	SE	32	T.21N.	R.18E.	HARVEST	1.01		
SE	SE	32	T.21N.	R.18E.	HARVEST	22.48		
SW	SE	32	T.21N.	R.18E.	HARVEST	9.93		
SW	NE	33	T.21N.	R.18E.	HARVEST	0.07		
NE	NW	33	T.21N.	R.18E.	HARVEST	8.44		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	20.74		
NW	NW	33	T.21N.	R.18E.	HARVEST	9.95*		
SE	NW	33	T.21N.	R.18E.	HARVEST	34.33		
SW	NW	33	T.21N.	R.18E.	HARVEST	39.92		
NE	SW	33	T.21N.	R.18E.	HARVEST	17.93		
NW	SW	33	T.21N.	R.18E.	HARVEST	40.04		
SE	SW	33	T.21N.	R.18E.	HARVEST	1.61		
SW	SW	33	T.21N.	R.18E.	HARVEST	36.58		
TOTAL HARVEST ACREAGE						319.18		
NW	NE	5	T.20N.	R.18E.	MEADOW	1.85		
NE	NW	5	T.20N.	R.18E.	MEADOW	0.93		
TOTAL MEADOW ACREAGE						2.78		
SE	SW	28	T.21N.	R.18E.	D.P.	6.91		
SW	SW	28	T.21N.	R.18E.	D.P.	12.45		
SW	SW	28	T.21N.	R.18E.	D.P.	3.14*		
NW	NE	33	T.21N.	R.18E.	D.P.	0.23		
NW	NE	33	T.21N.	R.18E.	D.P.	1.63*		
SW	NE	33	T.21N.	R.18E.	D.P.	0.01*		
NE	NW	33	T.21N.	R.18E.	D.P.	12.34		
NE	NW	33	T.21N.	R.18E.	D.P.	7.62*		
NW	NW	33	T.21N.	R.18E.	D.P.	1.69*		
TOTAL DIVERSIFIED PASTURE ACREAGE						46.02		
TOTAL ACREAGE						367.98		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-11230	HEINZ HOLDING CO. LLC	UNNAMED SPRING	SW 1/4 SW 1/4, SECTION 33, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SECTION 5, T.20N., R.18E. BEARS S.79°38'31"E., A DISTANCE OF 347.3 FEET.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1861	0		
PLACE OF USE 40 ACRE DESCRIPTION			ACRES	REMARKS				
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	CROP TYPE			
NE	NE	5	T.20N.	R.18E.	HARVEST	4.54	STOCKWATER AND DOMESTIC USE ALSO CLAIMED.	
SE	SE	29	T.21N.	R.18E.	HARVEST	0.27		
NE	NE	32	T.21N.	R.18E.	HARVEST	27.66	* ACREAGE ALONG NDOT RIGHT OF WAY	
SE	NE	32	T.21N.	R.18E.	HARVEST	17.69		
NE	SE	32	T.21N.	R.18E.	HARVEST	19.5	ACREAGE PARTIALLY UTILIZING COMINGLED WATER ASSOCIATED WITH CLAIMS V-09102 THROUGH V-09104, V-09106 THROUGH V-09110 AND V-11203 THROUGH V-11220.	
NW	SE	32	T.21N.	R.18E.	HARVEST	1.01		
SE	SE	32	T.21N.	R.18E.	HARVEST	22.48		
SW	SE	32	T.21N.	R.18E.	HARVEST	9.93		
SW	NE	33	T.21N.	R.18E.	HARVEST	0.07		
NE	NW	33	T.21N.	R.18E.	HARVEST	8.44		
NE	NW	33	T.21N.	R.18E.	HARVEST	6.49*		
NW	NW	33	T.21N.	R.18E.	HARVEST	20.74		
NW	NW	33	T.21N.	R.18E.	HARVEST	9.95*		
SE	NW	33	T.21N.	R.18E.	HARVEST	34.33		
SW	NW	33	T.21N.	R.18E.	HARVEST	39.92		
NE	SW	33	T.21N.	R.18E.	HARVEST	17.93		
NW	SW	33	T.21N.	R.18E.	HARVEST	40.04		
SE	SW	33	T.21N.	R.18E.	HARVEST	1.61		
SW	SW	33	T.21N.	R.18E.	HARVEST	36.58		
TOTAL HARVEST ACREAGE						319.18		
NW	NE	5	T.20N.	R.18E.	MEADOW	1.85		
NE	NW	5	T.20N.	R.18E.	MEADOW	0.93		
TOTAL MEADOW ACREAGE						2.78		
SE	SW	28	T.21N.	R.18E.	D.P.	6.91		
SW	SW	28	T.21N.	R.18E.	D.P.	12.45		
SW	SW	28	T.21N.	R.18E.	D.P.	3.14*		
NW	NE	33	T.21N.	R.18E.	D.P.	0.23		
NW	NE	33	T.21N.	R.18E.	D.P.	1.63*		
SW	NE	33	T.21N.	R.18E.	D.P.	0.01*		
NE	NW	33	T.21N.	R.18E.	D.P.	12.34		
NE	NW	33	T.21N.	R.18E.	D.P.	7.62*		
NW	NW	33	T.21N.	R.18E.	D.P.	1.69*		
TOTAL DIVERSIFIED PASTURE ACREAGE						46.02		
TOTAL ACREAGE						367.98		

Stockwater Claims

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-04225	HAMILTON PROPERTIES, INC.	COLD SPRINGS	SW¼NE¼ SECTION 4, T.21N., R.18E., M.D.B.&M.	JANUARY 1 TO DECEMBER 31	STOCK WATER 1905	0.5		
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	WATER FOR THE NEEDS OF 250 CATTLE, 5 HORSES, 5 SHEEP AND VARIOUS TYPES OF WILDLIFE.			
SW	NE	4	T.21N.	R.18E.				
PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-09109	HEINZ HOLDCO, LLC	GROUND HOG SPRING	NW¼SW¼, SECTION 27, T.21N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE W¼ CORNER OF SAID SECTION 27 BEARS N.24°20'W., A DISTANCE OF 274.4 FEET.	JANUARY 1 TO DECEMBER 31	STOCK WATER 1861	0.004		
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	WATER FOR THE NEEDS OF 200 CATTLE AND 20 HORSES. DIVERSION RATE OF 0.00375 (CALCULATED).			
NE	SE	28	T.21N.	R.18E.				
NW	SW	27	T.21N.	R.18E.				
PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-09110	HEINZ HOLDCO, LLC	STOCK WATER WELL	SW¼NE¼, SECTION 33, T.21N., R.18E., M.D.M. OR AT A POINT FROM WHICH THE E¼ CORNER OF SECTION 32, T.21N., R.18E. BEARS S.83°58'30"W., A DISTANCE OF 3,325.16 FEET.	JANUARY 1 TO DECEMBER 31	STOCK WATER 1924	0.004		
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	WATER FOR THE NEEDS OF 200 CATTLE AND 20 HORSES. DIVERSION RATE OF 0.00375 (CALCULATED).			
SW	NE	33	T.21N.	R.18E.				
PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-11216	HEINZ HOLDCO, LLC	UNNAMED SPRING	NE¼SE¼, SECTION 5, T.20N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 5, BEARS N.17°17'58"E., A DISTANCE OF 2,930.03 FEET.	JANUARY 1 TO DECEMBER 31	STOCK WATER 1861	0.004		
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS					
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	WATER FOR THE NEEDS OF 100 CATTLE AND 20 HORSES. DIVERSION RATE OF 0.00375 (CALCULATED).			
NE	SE	5	T.20N.	R.18E.				

Reserved Filings of the Federal Government

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.										
R-11253	U.S.-BUREAU OF LAND MANAGEMENT	UNNAMED SPRING	NW¼SW¼, SECTION 33, T.22N., R.18E., M.D.B.&M.	JANUARY 1 TO DECEMBER 31	STOCK WATER APRIL 17, 1926	0.004												
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 5%;">QTR-QTR</th> <th style="width: 5%;">QTR</th> <th style="width: 10%;">SECTION</th> <th style="width: 10%;">TOWN-SHIP</th> <th style="width: 10%;">RANGE</th> </tr> <tr> <td>NW</td> <td>SW</td> <td>33</td> <td>T.22N.</td> <td>R.18E.</td> </tr> </table>		QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	NW	SW	33	T.22N.	R.18E.	PUBLIC WATER RESERVE BY EXECUTIVE ORDER OF APRIL 17, 1926 (PWR-107) DIVERSION RATE STATED AS 0.00374 CFS FOR 100 CATTLE, VARIOUS WILDLIFE, DOMESTIC AND RECREATIONAL USES.						
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE														
NW	SW	33	T.22N.	R.18E.														
R-11254	U.S.-BUREAU OF LAND MANAGEMENT	MUD SPRING	NW¼NE¼, SECTION 21, T.22N., R.18E., M.D.B.&M.	JANUARY 1 TO DECEMBER 31	STOCK WATER APRIL 17, 1926	0.003												
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 5%;">QTR-QTR</th> <th style="width: 5%;">QTR</th> <th style="width: 10%;">SECTION</th> <th style="width: 10%;">TOWN-SHIP</th> <th style="width: 10%;">RANGE</th> </tr> <tr> <td>NW</td> <td>NE</td> <td>21</td> <td>T.22N.</td> <td>R.18E.</td> </tr> </table>		QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	NW	NE	21	T.22N.	R.18E.	PUBLIC WATER RESERVE BY EXECUTIVE ORDER OF APRIL 17, 1926 (PWR-107) DIVERSION RATE STATED AS 0.0031 CFS FOR 100 CATTLE, VARIOUS WILDLIFE, DOMESTIC AND RECREATIONAL USES.						
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE														
NW	NE	21	T.22N.	R.18E.														
R-11255	U.S.-BUREAU OF LAND MANAGEMENT	NO NAME SPRING	SW¼SW¼, SECTION 22, T.22N., R.18E., M.D.B.&M.	JANUARY 1 TO DECEMBER 31	STOCK WATER APRIL 17, 1926	0.003												
PLACE OF USE 40 ACRE DESCRIPTION		ACRES	REMARKS															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 5%;">QTR-QTR</th> <th style="width: 5%;">QTR</th> <th style="width: 10%;">SECTION</th> <th style="width: 10%;">TOWN-SHIP</th> <th style="width: 10%;">RANGE</th> </tr> <tr> <td>NW</td> <td>NE</td> <td>22</td> <td>T.22N.</td> <td>R.18E.</td> </tr> </table>		QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE	NW	NE	22	T.22N.	R.18E.	PUBLIC WATER RESERVE BY EXECUTIVE ORDER OF APRIL 17, 1926 (PWR-107) DIVERSION RATE STATED AS 0.0031 CFS FOR 100 CATTLE, VARIOUS WILDLIFE, DOMESTIC AND RECREATIONAL USES.						
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE														
NW	NE	22	T.22N.	R.18E.														